

# EXHIBIT 1

At IAS Part 59 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse located at 71 Thomas Street, New York, NY 10007, on the \_\_\_\_\_ day of June, 2014

JUL 11 2014

PRESENT:

HON. DEBRA A. JAMES, J.S.C.

-----X  
JUAN CARLOS MOLINA,

Index No. 651210/14

*Petitioner-Judgment Creditor,*

ORDER

-against-

JAMES CHLADEK,

*Respondent-Judgment Debtor.*

-----X  
Petitioner-Judgment Creditor JUAN CARLOS MOLINA, by his attorneys ANES, FRIEDMAN, LEVENTHAL & BALISTRERI, ATTORNEYS AT LAW, PLLC, having duly moved for an Order, pursuant to CPLR Section 5228, appointing a Receiver to enforce a Judgment entered in this Court on October 9, 2008 in favor of Petitioner and against Respondent in the principal sum of TWO MILLION, FIVE HUNDRED FORTY-THREE THOUSAND, SIX HUNDRED FIFTY-NINE DOLLARS AND THIRTY-FIVE CENTS (\$2,543,659.35) in an action filed in this Court under Index Number 603763/2006, with the Receiver being authorized and empowered to take control over all FCC broadcast licenses issued to and held by Respondent as Licensee, and to seek FCC permission to transfer such licenses by sale, to take possession of all sales proceeds and apply them towards the payment and satisfaction of the aforesaid Judgment, together with such other, further and different relief as to this Court may seem just and proper.

NOW, upon reading and filing of the Order to Show Cause dated April 24, 2014, the ~~Affidavit~~ <sup>Verified Petition</sup> of JUAN CARLOS MOLINA duly sworn to on April 9, 2014, the Affirmation of CHARLES M. BALISTRERI, ESQ. dated April 9, 2014, the Affirmation of ANTHONY MURRAY dated April 14,

2014, and the exhibits annexed thereto, all submitted in support of said motion, and Respondent JAMES CHLADEK having failed to appear, answer or oppose the motion, and proof of service of said Order to Show Cause having been duly filed with the Court, evidencing that service of the Order to Show Cause upon the Respondent was made in the manner directed by said Order to Show Cause,

And the Order to Show Cause having regularly come before the Court to be heard on May 29, 2014, and the Petitioner having appeared by counsel on that day and the Respondent having failed to appear or oppose the motion, and after due deliberation having been held thereon with the Court having rendered its decision on the Record on May 29, 2014 (copy annexed hereto),

NOW, upon motion of ANES, FRIEDMAN, LEVENTHAL & BALISTRERI, ATTORNEYS AT LAW, PLLC, attorneys for Petitioner-Judgment Creditor, it is

JSC ORDERED, that the motion ~~be granted~~ is hereby granted in all respects, and that ANTHONY MURRAY, ESQ., of 305 Broadway, 7<sup>th</sup> Floor, New York, NY 10007, ~~be and~~ is hereby appointed Receiver, and he is authorized and empowered to take control over all FCC broadcast licenses issued to and held by Respondent as Licensee, and to seek FCC permission to transfer such licenses by sale either individually or jointly, and to sell such licenses, as well as any broadcasting equipment and facilities owned by Respondent, for cash for the best price obtainable; and it is further

ORDERED, that the Receiver is authorized to retain the services of one or more brokers possessing expertise in the sale and transfer of FCC broadcast licenses, and to compensate said broker(s) from the sales proceeds, and to take possession of all sales proceeds after payment of necessary expenses and apply them towards the payment and satisfaction of the aforesaid Judgment; and it is further

DKV JSC ORDERED that the Receiver, before entering upon his duties, shall give an undertaking to faithfully discharge his duties with sufficient surety or sureties in the penal sum of TWENTY-FIVE THOUSAND DOLLARS (\$ 25,000.00), and to file that bond in the office of the Clerk of the County of New York, and serve a copy thereof upon the Respondent-Judgment Debtor JAMES CHLADEK, and that



upon the filing of this Order and the final approval and filing of the <sup>and oath</sup> bond as required by law, the Receiver shall be invested with all the rights and powers of a Receiver as such according to law and practice; and it is further

ORDERED, that the Respondent-Judgment Debtor and his agents, servants and attorneys, and each of them, ~~be~~ hereby are forbidden to interfere with the property of the judgment debtor, except in obedience hereto; and it is further

ORDERED, that the Receiver shall retain from the proceeds of the sale(s) an amount sufficient to satisfy the Judgment including all interest that has accrued since its entry, rendered in favor of the Petitioner-Judgment Creditor and sufficient to pay and/or reimburse the Receiver for his necessary expenses incurred in the sale of the radio broadcast licenses, together with the Receiver's commissions authorized by law, and to pay over the excess, if any, to the Respondent-Judgment Debtor.

ENTER:

*K. A. J. James*  
**DEBRA A. JAMES**  
**J.S.C.**

JUL 11 2014

2014 JUL 12 A 9:30  
CLERK OF THE SUPREME COURT, NEW YORK COUNTY

TESTIMONY THEREFROM AND OF THE WHOLE OF SUCH ORIGINAL, IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND SEAL OF MY OFFICE.

☐ DO NOT POST

2014 JUL 12 A 9:30

534771

7/15/2014

3

*Thomas J. Brennan*  
COUNTY CLERK AND CLERK OF THE SUPREME COURT, NEW YORK COUNTY

# EXHIBIT 2

At IAS Part 59 of the Supreme Court of the State of New York, held in and for the County of New York at the Courthouse located at 60 Centre Street, New York, N.Y. 10007 on the 24<sup>th</sup> day of April, 2014.

P R E S E N T:

**HON. DEBRA A. JAMES**  
HON. \_\_\_\_\_, J.S.C.

-----X  
JUAN CARLOS MOLINA,

Index No. 651210/14

Petitioner-Judgment Creditor,  
-against-

**ORDER TO SHOW CAUSE**

JAMES CHLADEK,

Respondent-Judgment Debtor.  
-----X

Upon the reading and filing of the annexed Petition of JUAN CARLOS MOLINA, duly verified to on the 9<sup>th</sup> day of April 2014, the Affirmation of CHARLES M. BALISTRERI, ESQ. dated April 9, 2014, the Affirmation of ANTHONY MURRAY, ESQ. dated April 14, 2014, the Exhibits thereto, and upon all of the proceedings heretofore had and all of the papers hereinbefore filed,

Let the Respondent Judgment-Debtor JAMES CHLADEK show cause before this Court, at the Courthouse located at <sup>71 Thomas</sup> ~~60 Centre~~ Street, New York, N.Y. 10007, IAS Part 59, Room 103, on the <sup>29<sup>th</sup></sup> day of May 2014, at <sup>2:30pm</sup> ~~9:30~~ o'clock in the <sup>afternoon</sup> ~~forenoon~~ of that day or as soon thereafter as counsel can be heard, why an Order should not be made and entered herein pursuant to CPLR Section 5228, appointing a Receiver to enforce the Judgment entered in this action on October 9, 2008 in the sum of TWO MILLION FIVE HUNDRED FORTY-THREE THOUSAND, SIX HUNDRED FIFTY-NINE DOLLARS AND THIRTY-FIVE CENTS (\$2,543,659.35), with such Receiver being authorized and empowered to take control over all FCC Broadcast Licenses issued to and held by the Defendant-

Judgment Debtor as Licensee, and to seek FCC permission to transfer such licenses by sale, and to take possession of all sales proceeds and apply such proceeds towards the payment and satisfaction of the aforesaid Judgment, together with such other, further and different relief as to this Court may seem just and proper;

Sufficient reason being alleged therefor,

Let service of a copy of this Order, together with the Verified Petition and all of the papers on which it is based, upon the Judgment Debtor JAMES CHLADEK, by Express Mail, Overnight Delivery of the United States Postal Service, addressed to the Judgment Debtor JAMES CHLADEK at the following addresses:

204 East 23<sup>rd</sup> Street, Floor 2  
New York, N.Y. 10010

3455 S. Highway A1A, Apt. 15  
Melbourne Beach, Florida 32951-3014

on or before April <sup>30<sup>th</sup></sup>, 2014, be deemed good and sufficient.

ENTER:

Oral Argument

DIRECTED:

DAQ

JSC

~~\_\_\_\_\_~~  
APR 24 2014 DEBRA A. JAMES  
J.S.C.



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
JUAN CARLOS MOLINA,

*Plaintiff-Judgment Creditor,*

*-against-*

JAMES CHLADEK,

*Defendant-Judgment Debtor.*  
-----X

Index No. 651210/14

VERIFIED PETITION

JUAN CARLOS MOLINA, Petitioner-Judgment Creditor in the above captioned proceeding, respectfully shows the Court as follows:

1. On October 9, 2008, a Judgment in the sum of \$2,543,659.35 was entered in this Court in favor of Petitioner and against Respondent JAMES CHLADEK. As of April 9, 2014 (five and a half years after entry of the Judgment at 9% per year), the post-judgment interest on the Judgment Amount is \$1,259,111.38.
2. Petitioner-Judgment Creditor seeks the appointment of a Receiver, pursuant to CPLR Section 5228(a), to enforce the aforesaid Judgment and collect the substantial sum that remains due and owing from the Defendant-Judgment Debtor, by selling television broadcast licenses issued to Respondent by the Federal Communications Commission (FCC).
3. The following exhibits are annexed in support of this Petition:

EXHIBIT      DESCRIPTION

- |   |  |
|---|--|
| A | Judgment Roll, evidencing Judgment entered on October 9, 2008 after inquest before Special Referee Howard G. Leventhal, in the total sum of \$2,543,659.35, inclusive of pre-judgment interest in the sum of \$316,249.85 and costs and disbursements totaling \$727.50. |
|---|--|



**EXHIBIT**      **DESCRIPTION**

- B      Decision and Order filed July 2, 2009, denying motion to vacate judgment, with Notice of Entry dated July 10, 2009.
- C      Federal Communications Commission records showing Judgment Debtor's New York address and his interest as licensee in 4 current FCC broadcast licenses for television stations.
- D      Letter dated June 12, 2012 from my former attorney, with relevant documents, noting that \$24,756.48 was recovered on the Judgment by the Albany County Sheriff.

4.      Since entry of the Judgment in this action some five and a half years ago in the total sum of \$2,543,659.35, only \$24,756.48 has been collected, as shown in **EXHIBIT D**.

5.      When that amount is added to the principal sum that remains due and owing, the amount owed by the Judgment Debtor as of April 9, 2014 is \$3,765,422.65. Deducting the sum of \$29,212.65 (i.e., \$24,756.48 recovered in 2012 plus 9% interest for 2 years on that sum—which is \$4,456.17), means that the amount owed on the Judgment as of April 9, 2014 is **\$3,736,210.00**.

6.      On or about March 14, 2014, Petitioner retained the law firm of Anes, Friedman, Leventhal & Balistreri, Attorneys at Law, PLLC to represent Petitioner and assist him in collecting the money that is owed by the Judgment Debtor.

7.      As evidenced by **EXHIBIT C**, the Judgment Debtor JAMES CHLADEK holds four (4) broadcast licenses issued to him as licensee by the Federal Communications Commission, which allows Respondent to operate four television stations, in the State of Florida as follows:

<u>CALL SIGN</u>	<u>TYPE</u>	<u>LOCATION</u>
WO5CJ	Translator	Key West, Florida
WPMF-CD	Class "A" Station	Miami, Florida
WSCF-LP	Translator	Melbourne, Florida
WSCF-LP	Translator	Key West, Florida

8. As explained in detail in the annexed affirmation of Petitioner's attorney Charles M. Balistreri, Esq., the licenses for these stations can be sold and transferred for value, with the sales proceeds used to pay the substantial sum that remains owed to me on the Judgment.

9. Therefore, Petitioner seeks the appointment of a Receiver, pursuant to CPLR Section 5228, with the authority to take control of the FCC licenses held by the Judgment Debtor as licensee, to seek FCC approval for their sale, and to take the sales proceeds and apply them toward the satisfaction of the Judgment.

10. Petitioner requests that the court appoint Anthony Murray, Esq. as Receiver, whose Affirmation is part of this application.

11. As presented in the annexed affirmation of Petitioner's attorney Charles M. Balistreri, Esq., this Court has previously granted the very remedy which is sought by the instant application.

12. The reason why this application is made by Order to Show Cause, is because CPLR Section 2228 authorizes the court to appoint a receiver, "Upon motion of a judgment creditor, upon such notice as the court may require \* \* \*"

13. The Respondent-Judgment Debtor is subject to the jurisdiction of this Court. The FCC records in **EXHIBIT C** show his current "Official Mailing Address" to be at 204 East 23<sup>rd</sup> Street, Fl 2, New York, N.Y. 10010.

14. Petitioner therefore requests that the Court direct service of the Order to Show Cause, the Verified Petition and the supporting papers and to be served upon the Judgment Debtor at the aforesaid address, by Express Mail, Overnight Delivery of the United States Postal Service.

15. NO PRIOR APPLICATION HAS BEEN MADE FOR THE RELIEF REQUESTED HEREIN.

WHEREFORE, Petitioner respectfully requests that the Court issue the annexed Order to Show Cause, direct it to be served upon the Judgment Debtor by Express Mail, Overnight Delivery of the United States Postal Service addressed to the Judgment Debtor at 204 East 23<sup>rd</sup> Street, Fl 2, New York, N.Y. 10010 and also to the Judgment Debtor at 3445 S. Highway A1A, Apt. 15, Melbourne Beach, Florida 32951-3014 (as explained in paragraphs 20-21 of the annexed affirmation of Charles M. Balistreri, Esq.), and upon the return of the Order to Show Cause, that the Court grant the relief sought and appoint a Receiver, pursuant to CPLR Section 5228, with the authority to sell and transfer the FCC broadcast licenses that have been issued to and are presently held by the Judgment Debtor as licensee, together with such other, further and different relief as this Court may seem just and proper.

VERIFICATION

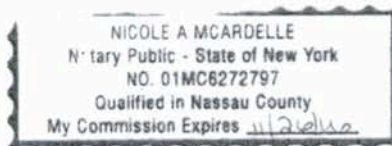
STATE OF NEW YORK)  
SS:  
COUNTY OF NASSAU)

JUAN CARLOS MOLINA, being duly sworn, says: I am the plaintiff in the action herein; I have read the annexed *Petition* and know the contents thereof and the same is true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

X   
JUAN CARLOS MOLINA

Sworn to before me this  
9 day of April, 2014.

  
Notary Public





SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
JUAN CARLOS MOLINA,

*Plaintiff-Judgment Creditor,*

*-against-*

JAMES CHLADEK,

*Defendant-Judgment Debtor.*  
-----X

Index No. 651210/14

AFFIRMATION IN SUPPORT  
OF ORDER TO SHOW CAUSE  
TO APPOINT RECEIVER  
PURSUANT TO CPLR §5228

CHARLES M. BALISTRERI, an attorney duly admitted to practice in the State of New York, pursuant to CPLR 2106 and under the penalties of perjury, does hereby affirm to the truth of the following:

1. I am the managing member of the law firm of ANES, FRIEDMAN, LEVENTHAL & BALISTRERI, Attorneys at Law, PLLC, the attorneys for JUAN CARLOS MOLINA, who is the Plaintiff-Judgment Creditor in the above-captioned action. I respectfully submit this Affirmation to demonstrate that this Court has the legal authority to grant the relief sought by the annexed Order to Show Cause, which is the appointment of a Receiver pursuant to CPLR §5228, to take custody of and sell the FCC licenses held by the Judgment Debtor so that the sale proceeds can be applied towards the satisfaction of the Judgment.

2. As set forth in the Affidavit of JUAN CARLOS MOLINA, the Plaintiff-Judgment Creditor, he recovered a Judgment against JAMES CHLADEK, the Defendant-Judgment Debtor, which was entered on October 9, 2008 in the total sum of \$2,543,659.35. With post-judgment interest and a credit for \$25,000.00 that was obtained from the Judgment Debtor's bank account, the amount owed on the Judgment as of April 9, 2014 (five and a half years after its entry) amounts to THREE MILLION,

SEVEN HUNDRED SIXTY-FIVE THOUSAND, FOUR HUNDRED TWENTY-TWO DOLLARS AND SIXTY-FIVE CENTS (\$3,765,422.65).

3. As shown by the Records of the Federal Communications Commission (EXHIBIT C), it appears that the Judgment Debtor presently holds four (4) active broadcast licenses issued by the FCC. Those licenses authorize the Judgment Debtor to operate four television stations in the State of Florida. As explained in this Affirmation, those licenses constitute property which can be sold, and the sales proceeds applied to the amount owed on the Judgment.

4. In *Guggenheim Corporate Funding LLC v. Access 1 Communications Corp.*, et al., 2009 NY Slip Op. 52702(U), Index #602376/08, Sup. Ct. NY Co. 2009 (Shirley Werner Kornreich, J.), this court granted the same remedy that is sought on this application by the Judgment Creditor. Before addressing that case, it should be noted that the Court has the legal authority to appoint a Receiver to enforce the Judgment, even though the television stations for which the Judgment Debtor is licensee, are not physically located within the State of New York.

#### **JURISDICTION OVER PROPERTY LOCATED OUTSIDE NEW YORK STATE**

5. In *Hotel 71 Mess Lender LLC v. Falor*, 14 N.Y.3d 303, 900 N.Y.S.2d 698, 926 N.E.2d 1202 (2010), the Court of Appeals upheld an Order of Attachment issued pursuant to CPLR Article 62 against intangible personal property consisting of defendants' ownership/membership interests in 22 limited liability companies formed in Delaware, Georgia and Florida, as well as a Florida corporation owned solely by one defendant.

6. The Supreme Court had issued an order directing:

[c]onditioned upon entry of judgment . . . [plaintiff's] motion for appointment of a receiver [of defendants' ownership interests in 23 out of state entities] is granted.

The Order authorized the Receiver to "take such actions as are appropriate to satisfy the order of attachment and any judgments entered against defendants."

7. The Court of Appeals upheld the Order. It noted that, “where a court acquires jurisdiction over the person of one who owns or controls property, the court can compel observance of its decrees by proceedings *in personam* against the owner within the jurisdiction” [citing *Kohler v. Bank of Bermuda, Ltd.*, 12 N.Y.2d 533, 539 [2009]]. The Court of Appeals held that the

Supreme Court did not abuse its discretion in appointing a post-judgment receiver to administer defendants’ intangible personal property for the purpose of satisfying plaintiff’s outstanding \$52 million judgment.

8. In this case, the Judgment Debtor is subject to the personal jurisdiction of this Court. He appeared in this action an unsuccessful attempt to vacate his default (EXHIBIT B), and he currently maintains an “Official Mailing Address” shown on current FCC documents (EXHIBIT C) at 204 East 23<sup>rd</sup> Street, Fl. 2, New York, N.Y. 10010. Furthermore, at the time of the inquest in this action on September 29, 2008, he was found by Special Referee Howard G. Leventhal to be “residing at 20 Waterside Plaza, Apartment 35G, New York, N.Y. 10016.” (EXHIBIT A, transcript pg. 15 of 18).

#### **SALE OF FCC LICENSE TO PAY LICENSEE’S CREDITORS**

9. The United States Court of Appeals for the Tenth Circuit, *In Re Tracy Broadcasting Corp.*, 696 F.3d 1051 (10<sup>th</sup> Cir. 2012), cert. denied 133 S.Ct. 2340 (2013), held that if state law permits, a creditor can obtain a security interest in an FCC license, which can be used to secure and pay the licensee’s debt to the secured creditor.

10. The Court noted that while the Federal Communications Act (FCA) bars the transfer or assignment of an FCC license or any rights thereunder without FCC permission, a licensee can grant a security interest in its broadcast license, thereby giving the Secured Party the right to receive the proceeds of the sale of the license. The U.S. Court of Appeals explained that the Federal Communications Commission (FCC),



recognizes that one of the rights acquired by a licensee when it obtains a license is the right to receive money from a future transferee of the license. This right has value upon acquisition of the license, regardless of whether a prospective purchaser is in sight. And the FCC permits the licensee to grant a security interest in that right. Although the FCC speaks in terms of a "security interest in the proceeds of the sale of the license" *In re Walter O'Cheskey*, 8 FCC Rcd. at 987, ¶7, the security interest is more precisely described as one in the licensee's right to the proceeds of a license sale and in the proceeds of that right (which are simply the sale proceeds) \* \* \* The FCC apparently uses the terminology "security interest in the proceeds of sale" merely to emphasize that the secured party cannot realize any money on its security interest until the license has been transferred and that it has no right to use the licensee's broadcasting privilege.

11. The FCC licenses that are presently held by the Judgment Debtor as licensee constitutes property against which the Judgment can be enforced. See CPLR Section 5201(b), which reads in relevant part:

**(b) Property against which a money judgment can be enforced.** A money judgment may be enforced against any property which could be assigned or transferred, whether it consists of a present or future right or interest and whether or not it is vested, unless it is exempt from application to the satisfaction of the judgment.

12. The Judgment Creditor therefore has the same right as a Secured Party to the proceeds of a sale of the FCC license to pay the licensee's debt, and this Court has previously granted that very remedy.

#### **PRECEDENT FOR THE RELIEF SOUGHT BY THIS APPLICATION**

13. In *Guggenheim Corporate Funding LLC v. Access 1 Communications Corp.*, et. al., 2009 NY Slip Op. 52702(U), Index #602376/08, Sup. Ct. NY Co. 2009 (Shirley Werner Kornreich, J.), the court granted the remedy which is sought by the instant application.

14. *Guggenheim* was designated as the collateral agent for a group of lenders, and was given express authority to act on their behalf to enforce the term of each loan. As security for the loans, defendant granted to Guggenheim, as collateral agent, an interest in certain assets, including Guggenheim's right "to receive any payment of money and any proceeds, products offspring, accession, rents, profits, income, benefits, substitutions or replacements of the FCC licenses owned by the debtors."



Section 3.8 of the Loan Agreement provided that in the event of default, Guggenheim as the collateral agent,

subject to receipt of any FCC approval, is empowered to request the appointment of a receiver from any court of competent jurisdiction. Such receiver shall be instructed to seek from the FCC consent to an involuntary transfer of control of each such FCC License to such receiver for the purpose of seeking a bona fide purchaser to whom control will ultimately be transferred.

15. The court held that the debtors had defaulted under the Loan Agreement, and it enforced Section 3.8 of the Loan Agreement which "permits Guggenheim to seek the appointment of a receiver who may then seek the transfer of control over certain FCC Licenses as designated in the agreement."

16. Guggenheim was granted partial summary judgment and the Court ordered the defendants "to specifically perform under section 3.8 of the Loan Agreement by consenting to the appointment of Bradley Scher, of Ocean Ridge Capital Advisors, LLC, as receiver over the FCC Licenses as designated in the Loan Agreement."

17. The instant motion seeks the same remedy which was granted in *Guggenheim Corporate Funding LLC, supra*; that is, the appointment of a Receiver to take control of the Judgment Debtor's FCC licenses, with authority to seek FCC permission to transfer those licenses for value, and apply the sales proceeds towards payment of the amount that is due on the Judgment.

18. While the appointment of a receiver in *Guggenheim* was a remedy that was provided by contract, same remedy authorized by statute, including:

—CPLR Section 5201(b) which encompasses FCC licenses as property against which the judgment can be enforced, and

—CPLR Section 5228 which authorizes the appointment of a receiver "who may be authorized to administer, collect, improve, lease, repair or sell any real or personal property in which the judgment debtor has an interest or to do any other acts designed to satisfy the judgment."

**IDENTITY AND QUALIFICATIONS OF RECEIVER  
REQUESTED BY JUDGMENT CREDITOR**

19. The movant seeks to have ANTHONY MURRAY, ESQ. appointed as Receiver. His affirmation is attached, and we are confident that he has the credentials, experience and ability to fully perform the duties of Receiver that are necessary to sell the Judgment Debtor's broadcast licenses with FCC approval.

**ADDITIONAL ADDRESS FOR SERVICE OF  
ORDER TO SHOW CAUSE**

20. In addition to the New York address of the Defendant-Judgment Debtor, shown in EXHIBIT E, my client provided another address at 3455 S. Highway A1A, Apt. 15, Melbourne Beach, FL 32951-3104. As shown by EXHIBIT E, we recently sent a Restraining Notice to the defendant at that address, which was signed for.

21. Therefore, we ask that the Order to Show Cause direct service upon the Judgment Debtor at that address as well.

WHEREFORE, it is respectfully requested that the Court issue the annexed Order to Show Cause, and upon its return grant the relief requested, with such other, further and different relief as this Court may deem just and proper.

Dated: New York, New York  
April 9, 2014

  
\_\_\_\_\_  
CHARLES M. BALISTRERI, ESQ.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
JUAN CARLOS MOLINA,

Petitioner-Judgment Creditor,

-against-

JAMES CHLADEK,

Respondent-Judgment Debtor.  
-----X

Index No.

651210/14

**AFFIRMATION IN SUPPORT  
OF ORDER TO SHOW CAUSE  
TO APPOINT RECEIVER  
PURSUANT TO CPLR §5228**

ANTHONY MURRAY, an attorney duly admitted to practice in the State of New York, pursuant to CPLR 2106 and under the penalties of perjury, does hereby affirm to the truth of the following:

1. I respectfully submit this affirmation in support of the movant's request for the Court to appoint me as Receiver, with the authority to take charge of the FCC broadcast licenses issued to the Defendant-Judgment Debtor as licensee, to obtain FCC approval for the sale of those licenses, and to take custody of the sale proceeds and apply them towards the satisfaction of the amount owed to the Judgment Creditor

2. I am a resident of New York County, and conduct the practice of law through the law firm of MURRAY LLP in New York City, of which I am a member. I was admitted to the New York bar in 2006, and am currently in good standing. I am also a Member of the Law Society of Scotland in good standing and have been qualified as a Solicitor (Lawyer) in Scotland since 1999.

3. My legal practice concentrates in the areas of corporate law and complex financial and securities transactions. As part of my business law activities I have recently advised on performance contracts for well known U.S. entertainers.

4. For twelve years, from 2000 through 2012, I worked for Citco Fund Services, first as a staff attorney and later as Associate General Counsel for Citco Fund Services in the United States and Europe. In that capacity I handled many complex financial transactions, and served as Managing Director of certain operating companies of Citco Fund Services, with responsibility for overseeing the legal affairs for that group of companies. Citco Fund Services is an international group of financial companies.

5. I am highly skilled and experienced in business affairs and management, and have extensive experience with negotiating commercial transactions. In the course of my law practice I deal almost exclusively with business and regulatory matters.

6. I am experienced in dealing with complex legal matters, both in the United States and in other countries, including matters involving corporate law, financial services, commercial contracts and transactions, regulatory licenses (both new and ongoing) and compliance, investment fund formation and litigation.

7. Additional information is available from my website at [www.murrayllp.com](http://www.murrayllp.com).

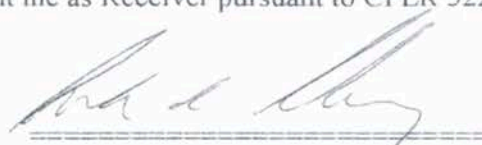
8. I have met the eligibility requirements to be appointed as a Receiver pursuant to Part 36 of the Rules of the Chief Judge, and am on the approved OCA list of eligible Receivers. **My Fiduciary ID Number is 659731.**



9. I believe that I possess the knowledge, experience and qualifications to act as Receiver in this action, and take all of the necessary and required steps to obtain FCC approval to transfer the Respondent's FCC broadcast licenses for value, and apply the proceeds of the transfer(s) to the amount that remains owed to the Judgment Creditor.

10. WHEREFORE, I respectfully request that this Court grant the relief sought by the annexed Petition in its entirety, and appoint me as Receiver pursuant to CPLR 5228.

Dated: New York, N.Y.  
April 14, 2014

  
\_\_\_\_\_  
ANTHONY MURRAY

SUPREME COURT OF THE STATE OF NEW YORK -- NEW YORK COUNTY

PRESENT: JUSTICE SHIRLEY WERNER KORNREICH

PART 54

Index Number : 603763/2006

Justice

MOLINA, JUAN CARLOS

vs

CHADLEK, JAMES

Sequence Number : 004

VACATE DEFAULT JUDGMENT

INDEX NO. \_\_\_\_\_

MOTION DATE \_\_\_\_\_

MOTION SEQ. NO. \_\_\_\_\_

MOTION CAL. NO. \_\_\_\_\_

Is motion to/for \_\_\_\_\_

Notice of Motion/ Order to Show Cause -- Affidavits -- Exhibits ...

Answering Affidavits -- Exhibits \_\_\_\_\_

Replying Affidavits \_\_\_\_\_

PAPERS NUMBERED

1  
2

Cross-Motion: ☐ Yes ☒ No

Upon the foregoing papers, it is ordered that this motion

*is decided in accordance with the annexed decision.*

**FILED**

JUL 02 2009

COUNTY CLERK'S OFFICE  
NEW YORK

Dated: 7/1/09

Check one:

☒ FINAL DISPOSITION

☐ NON-FINAL DISPOSITION

Check if appropriate:

DO NOT POST

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE  
FOR THE FOLLOWING REASON(S):

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: IAS PART 54

JUAN CARLOS MOLINA,

Plaintiff,

- against -

JAMES CHLADEK,

Defendant.

KORNREICH, SHIRLEY WERNER, J.:

**FILED**

JUL 02 2009

COUNTY CLERK'S OFFICE  
NEW YORK

Index No.: 603763/06

**DECISION and  
ORDER**

Defendant, James Chladek, moves to vacate an October 9, 2008 default judgment entered against him, subsequent to a hearing on damages.<sup>1</sup> Plaintiff, Carlos Molina, opposes.

*I. Background*

On October 27, 2006, plaintiff commenced this breach of contract action to recover 40% commission for programming and advertising he allegedly brought to Spanish-language, New York and Florida television and radio stations owned by defendant, pursuant to a 10 year agreement which commenced on August 31, 1998. Plaintiff contended, *inter alia*, that defendant had not fully compensated him pursuant to the agreement and had undermined plaintiff's efforts by entering into "an exclusive "Engagement " agreement" with another entity to find a purchaser or lessor for the television stations.

On March 13, 2007, the court denied plaintiff's unopposed motion for a default judgment, with leave to renew. On June 12, 2008, the court granted plaintiff's second motion for a default judgment, on default, on the issue of liability only, referring damages to a Special

<sup>1</sup> The court assumes defendant is moving under CPLR 5015(a)(1), since he presents an excuse for failure to appear and the contention that he owes plaintiff nothing on the contract..



Referee to hear and determine. That decision also ordered the County Clerk to notify all parties of the date of the hearing before the Special Referee. An inquest was held on September 29, 2008, wherein defendant failed to appear and only plaintiff testified. By judgment rendered on October 2, 2008 and entered October 9, 2008, the Special Referee awarded plaintiff \$2,226,682.00, plus interest of \$316,249.85 and costs of \$727.50.

*II. Motion*

Defendant now moves to vacate the default judgment. In support of his motion he submits an affidavit in which he avers that he does not owe defendant any money, that he had not intended to default in the case, that he had given all of the legal papers to his attorney of twenty-five years, Richard Siegel, that Mr. Siegel was ill but maintained his practice and that he had relied on Mr. Siegel to defend the matter. Annexed to the motion is a death certificate of Mr. Richard Siegel, which indicates that he died on November 2, 2008, in Springfield, Massachusetts of "anoxic brain injury" as a consequence of "respiratory distress." Counsel for defendant, by affirmation, avers that counsel knew Mr. Siegel for approximately 15 years, that Mr. Siegel handled defendant's business matters and that counsel had last seen Mr. Siegel in the Spring of 2008, when Mr. Siegel had insisted that he was handling defendant's legal matter. Counsel further avers that Mr. Siegel has since died and that his files are nowhere to be found.

In opposition, plaintiff submits: the affirmation of his attorney; his affidavit; the summons and complaint, indicating they were filed on October 27, 2006; an affidavit of personal service of the pleadings, indicating personal service upon defendant on "Saturday, October 27, 2006," but which affidavit was notarized on October 16, 2006; a second affidavit of service of the same pleadings indicating personal service on December 21, 2006, and notarized that same day; an affidavit of personal service of a copy of this court's March 13, 2007 denial of default,



indicating service on March 21, 2007, as well as Express mailing; the second motion for a default judgment with an affidavit of personal service and a mailing receipt; the court's June 12, 2008 default decision; the referee's decision/order; the minutes of the inquest; and an affidavit of service and mail receipt indicating that the judgment and notice of entry were served personally and by mail on defendant on October 29, 2008.

The minutes of the hearing on damages indicate that plaintiff was the sole witness. At the start of the hearing, the Referee noted that defendant "at one point," was represented by counsel, Mr. Siegel. He then asked plaintiff if defendant was still represented, to which plaintiff responded that he did not know but believed defendant's counsel had moved to Boston. Upon further questioning, plaintiff told the referee that he had notified plaintiff, in person, of the hearing and was told by the court clerk that defendant was notified of the hearing by the court.

A letter which outlined the business plaintiff claimed he brought to defendant's stations, was admitted into evidence as the first exhibit. The agreement which is the subject of the action was introduced into evidence as exhibit 2. Plaintiff then testified that defendant had not fulfilled the agreement and breached it "[b]y paying [plaintiff] the last check on November 20, 2006 for \$4,000. That was the last pay for him." Plaintiff testified that he was to be paid 40% of all Spanish programing he brought to the station. He added that he was paid \$419,050.00 on the contract and was supposed to receive \$2,645,732.00. He also requested \$45,000.00 in legal costs for bringing the action. The Referee found that defendant had been notified of the hearing, that defendant had defaulted and that based upon Mr. Molina's testimony, defendant had ceased making payments to plaintiff on November 20, 2006, that plaintiff was owed \$2,226,682.00, with interest at 9% in the sum of \$316,249.85 and costs of \$727.50. The referee found that the

agreement did not provide for legal fees upon breach.<sup>2</sup>

Counsel for plaintiff argues that defendant's default was willful and strategic, given the fact that he knew of the action and the motion for a default and did nothing.

### III. Conclusions of Law

To vacate a default judgment, the moving party must establish both that he has a reasonable excuse for the default and a meritorious defense. CPLR 5015(a); *Caba v. Rai*, \_\_\_ AD3d \_\_\_, 2009 NY Slip Op 5252 (1st Dept 2009); *M.R. v. 2526 Valentine LLC*, 58 A.D.3d 530, 531 (1st Dept. 2009). Law office failure may serve as a reasonable excuse for default. *Roussodimou v. Zafirladis*, 238 A.D.2d 568569 (2d Dept 1997). However, a continuous pattern of default is not sufficient to establish good excuse. *Star Indus., Inc. v. Innovative Beverages, Inc.*, 55 AD3d 903, 904 (2d Dept 2008); *Gannon v. Johnson Scale Co.*, 189 A.D.2d 1052 (3d Dept 1993); *id.*; see *Melnick v. Khoroushi*, 57 A.D.3d 414, 500 (1st Dept. 2008)(default considered intentional when party takes no action to vacate until judgment entered). Indeed, where "there is a pattern of default and neglect, the negligence of the attorney is properly imputed to the client." *Dave Sandel, Inc. v. Specialized Industrial Servs. Corp.*, 35 AD3d 790 (2d Dept 2006); *MRI Enterprises, Inc. v. Afzal Amanet*, 263 A.D.2d 530 (2d Dept 1999); *Chery v Anthony*, 156 A.D.2d 414, 417 (2d Dept 1989).

Here, defendant has failed to demonstrate either a good excuse for his default or a meritorious defense. He was personally served with the pleadings, the court's denial of a default judgment and the second motion requesting a default. He was informed of the damages hearing both by plaintiff and the court. Nonetheless, despite clear notice that the suit was pending and

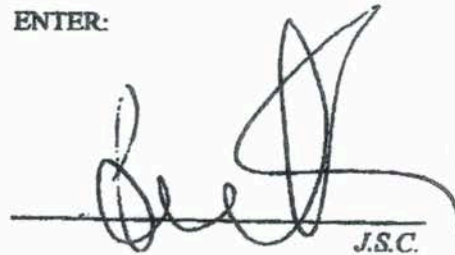
---

<sup>2</sup> Defendant has not moved to set aside the referee's judgment.

that his attorney had repeatedly failed to appear or answer, defendant did nothing until judgment was finally rendered against him. Upon these facts, defendant could not reasonably have believed that his attorney was diligently handling this matter. Moreover, his conclusory statement that he does not owe plaintiff any money is insufficient to demonstrate a meritorious defense. Accordingly, it is

ORDERED that defendant's motion to vacate the default judgment is denied.

ENTER:



J.S.C.

Dated: July 1, 2009  
New York, NY

**FILED**

JUL 02 2009

COUNTY CLERK'S OFFICE  
NEW YORK



**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

NEW YORK  
COUNTY CLERK'S OFFICE

JUL 10 2009

-----X  
JUAN CARLOS MOLINA

Plaintiff,

Index No 603763/2006

NOT COMPARED  
WITH COPY FILE

-against-


**NOTICE OF ENTRY**

JAMES CHLADEK

Defendant  
-----X

**PLEASE TAKE NOTICE** that the attached is a true copy of a judgment of decision in this matter that was entered in the Office of the County Clerk of New York County, on the 2<sup>nd</sup> day of July 2009.

Dated: July 10, 2009

  
\_\_\_\_\_  
Frances N. Ruiz, Esq.  
Attorney for the Plaintiff  
37-53 96<sup>th</sup> Street, 2<sup>nd</sup> Floor, Suite 1  
Jackson Heights, NY 11372

TO: Robert S. Meyers, Esq.  
Attorney for Defendant  
46-40 Springfield Boulevard  
Bayside, NY 11361

JAMES CHLADEK  
Defendant  
20 Waterside Plaza  
Apt. 35G  
New York, New York 10010



## **EXHIBIT “C”**



United States of America  
**FEDERAL COMMUNICATIONS COMMISSION**  
**DIGITAL CLASS A**  
**BROADCAST STATION LICENSE**

Authorizing Official:

Official Mailing Address:

JAMES J. CHLADEK  
204 E 23RD ST FL 2  
NEW YORK NY 10010

Hossein Hashemzadeh  
Deputy Chief  
Video Division  
Media Bureau

Facility Id: 30129

Grant Date: January 03, 2014

This license expires 3:00 a.m.  
local time, February 01, 2021.

Call Sign: WPMF-CD

License File Number: BLDTA-20130930BTN

This license covers permit no.: BMDTA-20130621AAP

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

Callsign: WPMF-CD

License No.: BLDIA-20130930BTN

Name of Licensee: JAMES J. CHLADEK

Station Location: FL-MIAMI

Frequency (MHz): 614 - 620

Channel: 38

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 74.750 of the Commission's Rules.

Antenna type: (directional or non-directional): Directional

Description: ODD I230-EC

Major lobe directions            184  
(degrees true):

Beam Tilt: Not Applicable

Antenna Coordinates: North Latitude:    25 deg   58 min   07 sec

West Longitude:       80 deg   13 min   20 sec

Maximum Effective Radiated Power (ERP):            4.7 kW

Transmitter Output Power:                            0.6 kW

Height of radiation center above ground:            194.1 Meters

Height of radiation center above mean sea level:    196.5 Meters

Antenna structure registration number: 1026553

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Out-of-Channel Emission mask: Stringent

\*\*\* END OF AUTHORIZATION \*\*\*

## **EXHIBIT “D”**



**VICTOR J. CAPUTO, ESQ.**

*Attorney and Counselor at Law*

41-01A 48<sup>th</sup> Street  
Sunnyside, NY 11104  
PH: (646) 801-6005  
FAX: (646) 807-4605  
VJCaputo@gmail.com

June 1, 2012

Juan Carlos Molina  
75B Edgewood Rd.  
Port Washington, NY 11050

RE: Molina v. Chladek  
Index No.: 603763/2006 NY Supreme

Dear Mr. Molina:

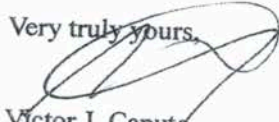
I am writing to summarize my collection efforts and to provide you with the relevant backup for your file. Attached hereto please find the following documents: (1) Check dated 2/6/2012 from Victor J. Caputo, Esq. payable to the Albany County Sheriff in the amount of \$34.00; and (2) Check dated 5/24/2012 from the Albany County Sheriff in the amount of \$25,502.84. With regard to the check from the Sheriff, as is stated on the copy of said check, please note that \$24,756.48 was recovered for your case and \$756.36 was recovered for another client.

We had previously agreed that my fee would 34% of any recovery (which is \$8,417.20) plus costs incurred. Said costs consisted of the initial fee paid to the Albany Sheriff in the amount of \$34. Taking my fee and costs into account (which total \$8,451.20), the amount due to you is \$16,305.28.

Now given the fact that you have the case pending in Nassau Supreme, Index No.: 10-017107, and I have not yet received a retainer for fees that will be incurred in connection with the case, I propose that I hold \$2500 from this recovery to hold in my escrow account. Thus the check to you will be \$13,805.28. If you agree with this arrangement, kindly append your signature below.

If you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,

  
Victor J. Caputo

ENCL. [2]

Acknowledged and Agreed

  
Juan Carlos Molina

301464

**COUNTY OF ALBANY**  
**SHERIFF'S DEPARTMENT CIVIL ACCOUNT**  
 ALBANY COUNTY COURTHOUSE  
 ALBANY, NY 12207

**M&T BANK**  
 WESTGATE OFFICE  
 10-4-220

Check will void after 90 days

05/24/2012

PAY TO THE  
 ORDER OF

VICTOR CAPUTO

\$

\*25,502.84\*

\*\*\*Twenty Five Thousand Five Hundred Two and 84/100\*\*\*

DOLLARS

VICTOR CAPUTO  
 41-01A 48TH STREET  
 SUNNYSIDE, NY 11104

MEMO



AUTHORIZED SIGNATURE

⑈ 30 1464 ⑈ ⑆ 022000046⑆

9856130902⑈

**COUNTY OF ALBANY** SHERIFF'S DEPARTMENT CIVIL ACCOUNT

301464

VICTOR CAPUTO

301464

05/24/2012

\$25,502.84

CaptionFile #File Total

JUAN CARLOS MOLINA vs. JAMES CHLADEK

12000727

24,756.48

RICHARD &amp; JUDY PENNAMEN vs. TRIUMPH FUNDING CORP

12001871

746.36

[illegible]

## **EXHIBIT “E”**



## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

James Chladek  
3455 S. Highway A1A  
Apt. 15  
Melbourne Beach, FL  
32951-3104

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *H. L. Moseley*☒ Agent☐ Addressee

B. Received by (Printed Name)

*H. L. Moseley*

C. Date of Delivery

*3-25*D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Article Number

(Transfer from service label)

7007 0710 0002 7482 6933

S Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

## **EXHIBIT 3**

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK : CIVIL DIV. : PART 59

-----X  
JUAN CARLOS MOLINA,

Petitioner-Judgment Creditor,

- against -

JAMES CHLADEK,

Respondent-Judgment Debtor.

:  
:  
:  
:  
: Index No.  
: 651210/14  
:  
:  
:  
:  
:-----X MOTION

71 Thomas Street  
New York, New York  
May 29, 2014

B E F O R E :

HON. DEBRA A. JAMES,  
Justice

A P P E A R A N C E S :

ANES, FRIEDMAN,  
LEVENTHAL & BALISTRERI, ESQS.  
Attorneys for Petitioner  
52 Duane Street - Seventh Floor  
New York, N.Y. 10007  
BY: HARVEY L. WOLL, ESQ.

ROBERT PORTAS, R.P.R., C.R.R.  
SENIOR COURT REPORTER

## PROCEEDINGS

1 THE COURT: Molina against Chladek.

2 Will the attorney state his name and whom he  
3 represents.

4 MR. WOLL: Harvey L. Woll, W-O-L-L, Anes,  
5 Friedman, Leventhal & Balistreri, 52 Duane Street, New York  
6 City 10007. We are representing Juan Carlos Molina, the  
7 petitioner-judgment creditor.

8 Good afternoon, Your Honor.

9 THE COURT: Good afternoon, Mr. Woll.

10 Before the Court is a show cause order in which  
11 the movant petitioner-judgment creditor seeks an order  
12 appointing a receiver to appoint certain judgment entered  
13 on October 9, 2008. This show cause order was signed by  
14 me on April 30, 2014. The Court ordered that the movant  
15 serve a copy of the verified petition with the record by  
16 express mail or overnight delivery upon the judgment  
17 debtor on or before April 30, 2014.

18 This is an E-Filed case, so, notwithstanding  
19 that all papers are electronically filed, I require  
20 working copies pending the Court acquiring the equipment  
21 to read the electronic files from the bench. And that  
22 would include a copy of the proof of service, Mr. Woll.

23 Do you have a copy of the express mail receipt?

24 MR. WOLL: Yes. Right here, Your Honor (handing).

25 THE COURT: All right. Thank you.

Robert Portas, RPR, CRR



## PROCEEDINGS

1           Mr. Woll has handed the Court proof of service  
2           at the addresses indicated upon -- strike that. Mr. Woll  
3           has provided proof of service by overnight mail upon the  
4           judgment debtor at the addresses specified. The Court  
5           has -- strike that. No response/answer has been served  
6           or filed. Accordingly, the Court grants the relief  
7           requested on default and directs the movant to settle  
8           order on notice by regular first class mail.

9           If you would please provide the Court with at  
10          least three names of fiduciaries that have been certified  
11          by the court so that the Court may have a list of three  
12          persons who would be willing to act as a receiver. So  
13          the Court asks you, Mr. Woll, to reach out to any  
14          fiduciary who is part of the court's certified list to  
15          confirm that that particular attorney is willing to act  
16          as a receiver.

17          MR. WOLL: That individual is part of our  
18          application, Your Honor. His affidavit is part of the  
19          order to show cause. That is Anthony Murray, who is on the  
20          approved list of receivers.

21          THE COURT: Right. Which exhibit was that? Do  
22          you know?

23          MR. WOLL: It would be the --

24          THE COURT: Is it A?

25          MR. WOLL: The chief administrator of the courts.  
            Robert Portas, RPR, CRR

## PROCEEDINGS

1 You have an approved list for receivers --

2 THE COURT: I understand. You said the name of  
3 Anthony Murray appears.

4 MR. WOLL: Yes. It's in the body of the order to  
5 show cause. And his affidavit should be attached.  
6 Affirmation rather.

7 THE COURT: Affidavit or affirmation?

8 MR. WOLL: It should be the last thing before the  
9 exhibit. Three-page affirmation.

10 THE COURT: That's what I was asking. Not about  
11 the list. I know where the list is.

12 MR. WOLL: Oh.

13 THE COURT: The Law Society of Scotland? That's  
14 the first time I've seen that.

15 All right. Well, the Court will direct that,  
16 Mr. Woll, you settle order on notice designating  
17 Mr. Anthony Murray as the receiver. You must also, of  
18 course, specify -- Strike that. You must provide for a  
19 surety bond. Correct?

20 MR. WOLL: I would provide for --

21 THE COURT: The standard.

22 MR. WOLL: -- whatever powers we think he needs in  
23 order to effectuate --

24 THE COURT: Well, I believe he also must file a  
25 bond, a surety bond. So --

Robert Portas, RPR, CRR

## PROCEEDINGS

1 MR. WOLL: How much?

2 THE COURT: Why don't you make a proposal in your  
3 proposed --

4 MR. WOLL: Okay.

5 THE COURT: -- notice of settlement.

6 MR. WOLL: Leave it blank, you'll fill it in?

7 THE COURT: Leave it blank. But I would encourage  
8 you, if it's blank, to make a proposal in the letter  
9 accompanying the notice of settlement. That would be  
10 helpful.

11 MR. WOLL: Okay. I understand.

12 Thank you, Your Honor.

13 (Continued on the following page.)

14

15

16

17

18

19

20

21

22

23

24

25

Robert Portas, RPR, CRR

## PROCEEDINGS

1 THE COURT: So you'll have to order a copy of this  
2 transcript --

3 MR. WOLL: Will do.

4 THE COURT: -- in order for the clerk to accept a  
5 notice of settlement. I'll give you until June 6<sup>th</sup>.

6 Off the record.

7 (Discussion off the record.)

8 THE COURT: No date. Whatever speed that you come  
9 up with, time frame.

10 (Whereupon, the above-captioned proceedings  
11 were concluded.)

12 oOo

13 (It is hereby certified that the  
14 foregoing is a true and accurate  
15 transcript of the proceedings.)

16 (   
17 ROBERT PORTAS, RPR, CRR  
18 Senior Court Reporter  
19 oOo

20

21

22

23

24

25

Robert Portas, RPR, CRR



## **EXHIBIT 4**



United States of America  
**FEDERAL COMMUNICATIONS COMMISSION**  
**DIGITAL CLASS A**  
**BROADCAST STATION LICENSE**

Authorizing Official:

Official Mailing Address:

JAMES J. CHLADEK  
204 E 23RD ST FL 2  
NEW YORK NY 10010

Hossein Hashemzadeh  
Deputy Chief  
Video Division  
Media Bureau

Facility Id: 30129

Grant Date: January 03, 2014

This license expires 3:00 a.m.  
local time, February 01, 2021.

Call Sign: WPMF-CD

License File Number: BLDTA-20130930BIN

This license covers permit no.: EMPDTA-20130621AAP

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

Name of Licensee: JAMES J. CHLADEK

Station Location: FL-MIAMI

Frequency (MHz): 614 - 620

Channel: 38

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 74.750 of the Commission's Rules.

Antenna type: (directional or non-directional): Directional

Description: ODD I230-EC

Major lobe directions            184  
(degrees true):

Beam Tilt: Not Applicable

Antenna Coordinates: North Latitude:    25 deg 58 min    07 sec

West Longitude:    80 deg 13 min    20 sec

Maximum Effective Radiated Power (ERP):            4.7 kW

Transmitter Output Power:                            0.6 kW

Height of radiation center above ground:            194.1 Meters

Height of radiation center above mean sea level:    196.5 Meters

Antenna structure registration number: 1026553

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Out-of-Channel Emission mask: Stringent

\*\*\* END OF AUTHORIZATION \*\*\*

## **EXHIBIT 5**





**MURRAY LLP**

ATTORNEYS - NEW YORK

**USPS - PRIORITY EXPRESS MAIL**

Federal Communications Commission,  
445 12<sup>th</sup> St. SW.,  
Washington, DC 20554.

**Attn: David Brown Esq.,/ Licensing Department**

**RE: COURT APPOINTED RECEIVERSHIP OVER BROADCAST LICENSES  
ISSUED TO JAMES CHLADEK, JUDGMENT DEBTOR  
JUAN CARLOS MOLINA V. JAMES CHLADEK  
COURT INDEX NO. 651210/14  
FEDERAL COMMUNICATIONS COMMISSION ("COMMISSION")  
FRN: 0023807332**

Date: July 23, 2014

Dear Sirs,

Please be advised that pursuant to an order of the Supreme Court of the State of New York, County of New York, dated July 11, 2014, Anthony Murray, Esq., was appointed receiver ("Court Appointed Receiver") of all broadcast licenses held by James Chladek (the "Order"). A copy of the Order certified by the New York County Clerk is enclosed.

Anthony Murray, Esq., has been issued a FCC registration number ("FRN") # 0023807332 by the Commission.

This letter shall serve as notice to the Commission of the issuance of said Order causing the involuntary assignment of the licenses issued by the Commission to James Chladek to Anthony Murray, Esq., in his capacity as Court Appointed Receiver.

We hereby request that a copy of the enclosed Order be added to the online public inspection file maintained by Commission in respect of Mr. Chladek's licenses.

According to the Commission's records, James Chladek holds the following broadcast licenses:

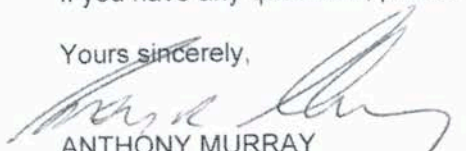
CALL SIGN	TYPE OF LICENSE	LOCATION
WPMF-CD	CLASS A TV	MIAMI, FL
WSCF	TV TRANSLATOR	MELBOURNE, FL
W05CJ	TV TRANSLATOR	KEY WEST, FL
W100CQ	TV TRANSLATOR	KEY WEST, FL

A timely application by filing Form 316 in respect of said involuntary assignment with the Commission in compliance with 47 U.S.C. § 310 (d) will be made.

In the interest of full disclosure the Court Appointed Receiver, Anthony Murray, Esq., (a citizen of the United Kingdom) is a lawful permanent resident of the United States and is a full time resident in New York State. As the Commission is aware the Court Appointed Receiver never acquires any beneficial interest in the licenses. Rather, he is merely acting as a fiduciary of the court and takes control of the licenses for the benefit of all parties in interest. For example, we would refer the Commission to its ruling by letter dated March 20, 2013 relating to an informal objection by Great Radio, LLC against an assignment by Pembroke Pines Masss Media N.A. Corp. wherein the Commission stated the position of the Receiver as follows: "...as Receiver, never acquired any beneficial interest in Pembroke Pines. Rather, he was appointed as a fiduciary to take control of Pembroke Pines for the benefit of all parties with an interest in the litigation."

If you have any questions, please call us at (212) 729 3045.

Yours sincerely,

  
ANTHONY MURRAY  
COURT APPOINTED RECEIVER

**ENCLOSURES:**

1. Certified Copy Order of the Supreme Court of the State of New York dated July 11<sup>th</sup>, 2014 appointed Anthony Murray as Court Appointed Receiver.



**MURRAY LLP**

ATTORNEYS - NEW YORK

**USPS - PRIORITY EXPRESS MAIL**

Attn: Station Manager,  
WPMF-CD,  
3381 NW 168 ST  
MIAMI GARDENS,  
FL 33056.

**RE: COURT APPOINTED RECEIVERSHIP OVER BROADCAST LICENSES  
ISSUED TO JAMES CHLADEK, JUDGMENT DEBTOR  
JUAN CARLOS MOLINA V. JAMES CHLADEK  
COURT INDEX NO. 651210/14**

Date: July 23<sup>rd</sup> 2014

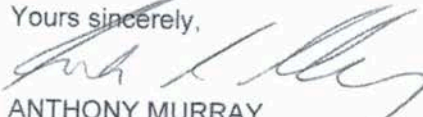
Dear Sirs,

Please be advised that pursuant to an order of the Supreme Court of the State of New York, County of New York, dated July 11, 2014, Anthony Murray, Esq., was appointed receiver ("Court Appointed Receiver") of all broadcast licenses held by James Chladek (the "Order"). A copy of the Order is enclosed.

In accordance, with 47 C.F.R. § 73.3526 requiring WPMF-CD to maintain a public inspection file, a copy of the Order enclosed should be placed in the said file.

If you have any questions, please call us at (212) 729 3045.

Yours sincerely,



ANTHONY MURRAY  
COURT APPOINTED RECEIVER

**ENCLOSURES:**

1. Order of the Supreme Court of the State of New York dated July 11<sup>th</sup>, 2014 appointing Anthony Murray as Court Appointed Receiver.



**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK)

SS:

COUNTY OF NEW YORK)

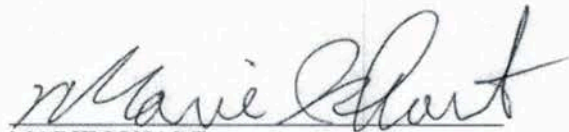
MARIE ICHART, being duly sworn, deposes and says:

That deponent is not a party to the action, is over 18 years of age, resides in the State of New York, County of Kings, and is employed by ANES, FRIEDMAN, LEVENTHAL & BALISTRERI, ATTORNEYS AT LAW, PLLC, 52 Duane Street, 7<sup>th</sup> Floor, New York, NY 10007.


That on the 21<sup>st</sup> day of August, 2014, the undersigned served the within **AFFIRMATION IN OPPOSITION TO ORDER TO SHOW CAUSE with Exhibits** as follows:

By sending a true copy of the Affirmation in Opposition to Order to Show Cause with Exhibits to JAMES CHLADEK, the Respondent-Judgment Debtor, by email to [James.Chladek@gmail.com](mailto:James.Chladek@gmail.com).

In addition, as requested by the Respondent-Judgment Debtor JAMES CHLADEK at the hearing held on August 19, 2014 before Justice Carol Edmead, I placed a call to Mr. Chladek's cell phone [917-306-2638] on August 21, 2014 and notified him that a copy of said Affirmation in Opposition to Order to Show Cause with Exhibits was available to be picked up by him at the office of Petitioner-Judgment Creditor's attorneys Anes, Friedman, Leventhal & Balistreri, Attorneys at Law, PLLC at 52 Duane Street, 7<sup>th</sup> Floor, New York, NY 10007 during regular business hours.

  
MARIE ICHART

Sworn to before me this  
21st day of August, 2014.

  
Notary Public

HELENE K MARTINO  
Notary Public, State of New York  
No. 01444224598  
Qualified in Richmond County  
Commission Expires Jan. 26, 2015



Subject **(Afm. in Opposition to OTSC attached): JUAN CARLOS MOLINA v. JAMES CHLADEK - Index No. 651210/14; AFLB #43493**



From Helene Martino <hmartino@aflblaw.com>  
To <James.Chladek@gmail.com>  
Date 2014-08-21 11:28  
Priority High

- 
- Afm in opposition, OTSC.pdf (968 KB)
  - Exhibit 1.pdf (602 KB)
  - Exhibit 2.pdf (6.4 MB)
  - Exhibit 3.pdf (868 KB)
  - Exhibit 4.pdf (338 KB)
  - Exhibit 5.pdf (533 KB)
  - Litback, afm in opp, OTSC.pdf (238 KB)
- 

"PLEASE REFER TO THE ATTACHMENTS"

Thank you.

Helene Martino, Legal Assistant to Charles M. Balistreri, Esq.  
Anes, Friedman, Leventhal & Balistreri  
Attorneys at Law, PLLC  
52 Duane Street, 7th Floor  
New York, NY 10007  
Tel. 212-962-0360  
Fax 212-233-2740  
email: [hmartino@aflblaw.com](mailto:hmartino@aflblaw.com)

Index No. 651210

Year 20 14

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

JUAN CARLOS MOLINA,

*Petitioner-Judgment Creditor,*

*-against-*

JAMES CHLADEK,

*Respondent-Judgment Debtor.*

AFFIRMATION IN OPPOSITION TO ORDER TO SHOW CAUSE with Exhibits

ANES, FRIEDMAN, LEVENTHAL & BALISTRERI  
ATTORNEYS AT LAW, PLLC

Attorneys for

Petitioner-  
Judgment Creditor

CHARLES M. BALISTRERI, ESQ.

52 Duane Street, 7th Floor  
BOROUGH OF MANHATTAN NEW YORK, N.Y. 10007-1981  
(212) 962-0360

To:

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

☐ that the within is a (certified) true copy of a  
NOTICE OF ENTRY entered in the office of the clerk of the within named Court on

20

☐ that an Order of which the within is a true copy will be presented for settlement to the Hon.  
NOTICE OF SETTLEMENT at one of the judges of the within named Court,  
on 20, at M.

Dated:

ANES, FRIEDMAN, LEVENTHAL & BALISTRERI  
Attorney(s) for

52 Duane Street, 7th Floor  
BOROUGH OF MANHATTAN NEW YORK, N.Y. 10007-1981

To:

Attorney(s) for

# EXHIBIT 3



FOR THE PAYMENT  
OF MOTION PICTURE  
ONLY

Justice of the Supreme Court

Index Number

Plaintiff(s)

ORDER TO SHOW CAUSE  
WITH T.R.O.  
IN CIVIL ACTION

[fill in name(s)]

Defendant(s)

JAMES CHADDER

[your name(s)] sworn to on

Aug 18, 2001

[Identify Exhibits below. List additional exhibits on a separate page.]

Exhibit A - ORDER BY

HON DEBRA A. JAMES

EXHIBIT "B": FCC 316 DOCUMENT

Plaintiff appear and

Let the ~~party~~ or attorney in opposition show cause at I.A.C. Part 97 Room 103

of this Court, to be held at the Courthouse, 60 Centre Street, New York, N.Y., on the 26 day of August, 1960.

August, 2014 at 10:15 o'clock in the a.m. / noon or as soon as such party or

attorney may be heard why an order should not be made, providing the following relief:

[briefly describe what you are asking the Court to do] STOP, HOLD, VACATE

THE ORDER AND/OR JUDGMENT

NEW YORK COUNTY CLERK'S OFFICE  
AUG 18 2014  
PAID  
NEW YORK COUNTY CLERK'S OFFICE  
AUG 18 2014  
PAID



for the reasons that [briefly describe the reasons why you should be granted what you are requesting]

1. DEFENDANT IS NOT NYC RESIDENT  
THEREFORE NOT PROPERLY SERVED/NOTIFIED

2. DEFENDANT DOES NOT OWE MOLINA A PENNY

3. DEFENDANT HAS ALL RECORDS OF EMPLOYER  
COMMISSIONS PAID, CHECKS AND LETTER(S)  
OF COMMISSION AGREEMENT,

Pending the hearing of this motion it is

ORDERED that: [describe what you are asking the court to stay]

~~PENDING THE HEARING OF THIS MOTION THE  
JUDGMENT CREDITOR, HIS ATTORNEY, AGENTS AND ALL  
THOSE ACTIONS ON HIS BEHALF ARE RESTRAINED  
FROM EXECUTING ON ANY LEVY MADE PURSUANT~~

~~TO THE JUDGMENT~~  
~~being alleged~~

Sufficient cause appearing therefore, let personal service of a copy of this order, the

HON. CAROL EDMEAD

affidavit in support and all other papers upon which this order is granted, upon all parties to this

action or their attorneys, who have appeared in this action, on or before the 25 day of

August 2014

be deemed good and sufficient. An affidavit or other proof of

service shall be presented to this Court on the return date directed in the second paragraph of this

order.

Oral Argument  
Directed

ENTER

HON. CAROL EDMEAD

JSC

HON. CAROL EDMEAD

HON. CAROL EDMEAD

JUAN CARLOS MOLINA  
[fill in name(s)] Plaintiff(s)/Petitioner(s)

- against -

INDEX NUMBER  
651210/14

AFFIDAVIT  
IN SUPPORT

JAMES CHLADET  
[fill in name(s)] Defendant(s)/Respondent(s)

X

STATE OF NEW YORK  
COUNTY OF NY ss:

[your name], being duly

sworn, deposes and says:

1. I am the plaintiff / petitioner / defendant / respondent [circle one] in this matter. I make this affidavit in support of this motion for an order [Describe what you are asking the Court to do. This relief must also be stated in the Notice of Motion or Order to Show Cause.]

1. NOT PROPERLY SERVED
2. DO NOT OWE A PENNY TO PLAINTIFF
3. HAVE A COMMISSION PAY ROLL RECORDS + DOCUMENTS
4. INTERFERING WITH BUSINESS BY ORDER

2. I believe the Court should grant this motion because [Explain why you should be granted what you are requesting. Explain any Exhibits (documents) you submit. Add more pages if needed.] PLEASE VACATE THE ORDER

MOLINA (PLAINTIFF) BECAME A COMMISSIONED SALES PERSON IN 1904 AND SIGNED A AGREEMENT(S)

FOR COMMISSIONS FOR SALE OF BROADCAST TIME.

HE WAS PAID IN FULL. AFTER CLOSING THE NY STATIONS

HE TOOK ADVANTAGE OF ME (DEFENDANT) AND FILED

A DEFAULT JUDGEMENT IN 2008, THE REASON FOR

THE DEFAULT WAS MY ATTORNEY (MR RICHARD SIGLER)

PASSED AWAY AND THUS THE JUDGEMENT. OVER THE

YEARS HE SUBD THE LICENSE OF THE STATION

(MR RICHARD BULMER) AND COULD NOT MOVE THE

DEFAULT FORWARD UNTIL THE TRAIL WAS COMPLETED.

MOLINA LOST TRAIL TO BULMER IN THE EARLY

PART OF YEAR 2014.

NOW I CAN NOW MOVE FORWARD



NY UNTIL THIS RESOLVED.

I HAVE WITNESSES AND WILL RETAIN  
AN ATTORNEY

SINCERELY

3. A prior application has not has [circle one] been made for the relief now requested.  
[If you made this application before in this or any other court, describe where, when, the  
result and why you are making it again. Attach copies of previous decisions.]

WHEREFORE, I respectfully request that this motion be granted, and that I have such other  
and further relief as may be just and proper.

worn to before me on the  
8<sup>th</sup> day of Aug., 2014

Jasmine J. Vaden  
Notary Public

JASMINIE J. VADEN  
Notary Public, State of New York  
Reg. No. 04VA6132291  
Qualified in New York County  
Commission Expires Aug. 18, 2017

[sign your name in front of a Notary]

JAMES CHADOCK

[print your name]

At IAS Part 59 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse located at 71 Thomas Street, New York, NY 10007, on the \_\_\_\_\_ day of June, 2014

JUL 11 2014

PRESENT:

HON. DEBRA A. JAMES, J.S.C.

-----X  
JUAN CARLOS MOLINA,

Index No. 651210/14

*Petitioner-Judgment Creditor,*

ORDER

*-against-*

JAMES CHLADEK,

*Respondent-Judgment Debtor.*

-----X  
Petitioner-Judgment Creditor JUAN CARLOS MOLINA, by his attorneys ANES, FRIEDMAN, LEVENTHAL & BALISTRERI, ATTORNEYS AT LAW, PLLC, having duly moved for an Order, pursuant to CPLR Section 5228, appointing a Receiver to enforce a Judgment entered in this Court on October 9, 2008 in favor of Petitioner and against Respondent in the principal sum of TWO MILLION, FIVE HUNDRED FORTY-THREE THOUSAND, SIX HUNDRED FIFTY-NINE DOLLARS AND THIRTY-FIVE CENTS (\$2,543,659.35) in an action filed in this Court under Index Number 603763/2006, with the Receiver being authorized and empowered to take control over all FCC broadcast licenses issued to and held by Respondent as Licensee, and to seek FCC permission to transfer such licenses by sale, to take possession of all sales proceeds and apply them towards the payment and satisfaction of the aforesaid Judgment, together with such other, further and different relief as to this Court may seem just and proper.

NOW, upon reading and filing of the Order to Show Cause dated April 24, 2014, the *verified petition* of JUAN CARLOS MOLINA duly sworn to on April 9, 2014, the Affirmation of CHARLES M. BALISTRERI, ESQ. dated April 9, 2014, the Affirmation of ANTHONY MURRAY dated April 14,



upon the filing of this Order and the final approval and filing of the bond <sup>and oath</sup> as required by law, the Receiver shall be invested with all the rights and powers of a Receiver as such according to law and practice; and it is further

ORDERED, that the Respondent-Judgment Debtor and his agents, servants and attorneys, and each of them, ~~be and~~ hereby are forbidden to interfere with the property of the judgment debtor, except in obedience hereto; and it is further

ORDERED, that the Receiver shall retain from the proceeds of the sale(s) an amount sufficient to satisfy the Judgment including all interest that has accrued since its entry, rendered in favor of the Petitioner-Judgment Creditor and sufficient to pay and/or reimburse the Receiver for his necessary expenses incurred in the sale of the radio broadcast licenses, together with the Receiver's commissions authorized by law, and to pay over the excess, if any, to the Respondent-Judgment Debtor.

ENTER:

~~V. A. P. & M. Co.~~  
**DEBRA A. JAMES**  
**J.S.C.**

JUL 11 2014

SEAL OF THE SUPREME COURT, NEW YORK  
CLERK OF THE SUPREME COURT, NEW YORK  
COUNTY OF NEW YORK

TRACED FROM AND OF THE  
WHOLE OF SUCH ORIGINAL IN WITNESS  
WHEREOF, I HAVE HEREUNTO SET MY  
HAND AND SEAL BY SPECIAL DEPUTY

☐ DO NOT POST

2014 JUL 22 AM 9:30

534771

THAT HAVE BEEN MADE A COPY  
WITH THE CLERK OF THE COURT OFFICE ON

7/15/2014

3

*Wm. J. Brennan*  
COUNTY CLERK AND CLERK OF THE  
SUPREME COURT, NEW YORK COUNTY



**APPLICATION FOR CONSENT TO ASSIGN  
BROADCAST STATION CONSTRUCTION PERMIT OR  
LICENSE OR TO TRANSFER CONTROL OF ENTITY  
HOLDING BROADCAST STATION CONSTRUCTION  
PERMIT OR LICENSE**

FOR COMMISSION USE ONLY  
FILE NO.

BALDTA - 20140805ACM

Read INSTRUCTIONS Before Filling Out Form

**Section I - General Information**

1.	Legal Name of the Licensee/Permittee JAMES J. CHLADEK		
	Mailing Address 204 E 23RD ST. FL 2		
	City NEW YORK	State or Country (if foreign address) NY	Zip Code 10007 -
	Telephone Number (include area code) 9735758380	E-Mail Address (if available)	
	FCC Registration Number: 0023807332	Call Sign WPMF-CD	Facility ID Number 30129
2.	Contact Representative (if other than licensee/permittee) ANTHONY MURRAY		Firm or Company Name MURRAY LLP
	Mailing Address 305 BROADWAY 7 FLOOR		
	City NEW YORK	State or Country (if foreign address) NY	ZIP Code 10007 -
	Telephone Number (include area code) 2127293045	E-Mail Address (if available) ANTHONY@MURRAYLLP.COM	
3.	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial Educational Licensee/Permittee <input type="radio"/> Other <input checked="" type="radio"/> N/A (Fee Required)		
4.	<p>a. <input type="radio"/> Voluntary Assignment or Transfer of Control   <input checked="" type="radio"/> Involuntary Assignment or Transfer of Control</p> <p><input type="radio"/> Amendment to pending application File number of pending application: -</p> <p>If an amendment, <b>submit as an Exhibit</b> a listing, by Section and Question Number, of the portions of the pending application that are being revised. [Exhibit 1]</p> <p>b. Applicant certifies that the use of FCC Form 316 is appropriate for this transaction. <input checked="" type="radio"/> Yes   <input type="radio"/> No See Explanation in [Exhibit 2]</p>		



**Exhibit 1****Description: INVOLUNTARY ASSIGNMENT**

THIS APPLICATION IS SUBMITTED BY COURT APPOINTED RECEIVER (SEE COURT ORDER DATED JULY 11, 2014 ATTACHED TO THIS EXHIBIT). THE COURT APPOINTED RECEIVER WAS APPOINTED TO COLLECT JUDGMENT IN EXCESS OF \$2,500,000 BY SELLING FCC BROADCAST LICENSES HELD BY JAMES CHLADEK, JUDGMENT DEBTOR AS LICENSEE. THE COURT APPOINTED RECEIVER HAS NEVER MET JAMES CHLADEK AND HAS NO INFORMATION ABOUT HIS CHARACTER OR THE CONDUCT OF ANY FCC PROCEEDINGS TO WHICH HE WAS A PARTY OR ANYWAY INVOLVED.

**Attachment 1****Exhibit 2****Description: FORM 316 SUITABILITY**

THE COURT APPOINTED RECEIVER HAS PROVIDED INFORMATION TO THE FCC INCLUDING THE COURT ORDER TO THE COMMISSION IN ADVANCE OF THIS APPLICATION.

**Attachment 2****Exhibit 6****Description: INVOLUNTARY TRANSFER**

PLEASE REFER TO EXHIBIT 1 REGARDING APPOINTMENT OF THE COURT APPOINTED RECEIVER. A COPY OF THE ORDER OF THE COURT IS ALSO ATTACHED TO THAT EXHIBIT.

WE ARE SENDING A COPY OF THE ORDER BY CERTIFIED MAIL TO BE PLACED ON THE PUBLIC INSPECTION FILE OF WPMF-CD. WE HAVE SUBMITTED A REQUEST BY CERTIFIED MAIL THAT THE COMMISSION PLACE A COPY OF THE COURT ORDER ON THE ONLINE INSPECTION FILE. THE COURT APPOINTED RECEIVER DOES NOT HAVE CONTROL OVER THE PHYSICAL INSPECTION FILE OF THE STATION.

**Attachment 6**

Description
Court Order Appointing Receiver

**Exhibit 7****Description: CHARACTER**

REFER TO EXHIBIT 1. COURT APPOINTED RECEIVER IS NOT ABLE TO CONFIRM CHARACTER QUESTIONS IN RESPECT OF TRANSFEROR.

**Attachment 7****Exhibit 8****Description: ADVERSE FINDINGS**

REFER TO EXHIBIT 1. COURT APPOINTED RECEIVER IS NOT ABLE TO CONFIRM THIS QUESTION IN RESPECT OF THE TRANSFEROR.



b. Applicant certifies that equity interests not set forth above are non-attributable.	<input type="radio"/> Yes <input type="radio"/> No  <input checked="" type="radio"/> N/A  [Exhibit 13]
6. <b>Other Authorizations.</b> List call signs, locations, and facility identifiers of all other broadcast stations in which assignee/transferee or any party to the application has an attributable interest.	<input checked="" type="checkbox"/> N/A  [Exhibit 14]
7. <b>Acquisition of Control.</b> List the file number and date of grant of FCC Form 301, 314, or 315 application by which the Commission approved the qualifications of the individual or entity with a pre-existing interest in the licensee/permittee that is now acquiring control of the licensee/permittee as a result of the grant of this application.	<input checked="" type="checkbox"/> N/A  [Exhibit 15]
8. <b>Character Issues.</b> Assignee/Transferee certifies that neither assignee/transferee nor any party to the application has or has had any interest in, or connection with: a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or any party to the application; or b. any pending broadcast application in which character issues have been raised.	<input checked="" type="radio"/> Yes <input type="radio"/> No  See Explanation in [Exhibit 16]
9. <b>Adverse Findings.</b> Assignee/Transferee certifies that, with respect to the assignee/transferee and each party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit, or discrimination.	<input checked="" type="radio"/> Yes <input type="radio"/> No  See Explanation in [Exhibit 17]
10. <b>Alien Ownership and Control.</b> Assignee/Transferee certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.	<input checked="" type="radio"/> Yes <input type="radio"/> No  See Explanation in [Exhibit 18]
11. <b>Auction Authorization.</b> Assignee/transferee certifies that where less than five years have passed since the issuance of the construction permit and the permit had been acquired in an auction through the use of a bidding credit or other special measure, it would qualify for such credit or other special measure.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A  See Explanation in [Exhibit 19]
12. <b>Anti-Drug Abuse Act Certification.</b> Assignee/transferee certifies that neither licensee/permittee nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing ANTHONY MURRAY	Typed or Printed Title of Person Signing COURT APPOINTED RECEIVER
Signature	Date 08/05/2014

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).



made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing ANTHONY MURRAY	Typed or Printed Title of Person Signing COURT APPOINTED RECEIVER
Signature	Date 08/05/2014

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

**NOTE:** In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

**Section III - Assignee/Transferee**

1. <b>Certification.</b> Assignee/Transferee certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Assignee/Transferee further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.	<input checked="" type="radio"/> Yes <input type="radio"/> No
2. Legal Name of the Assignee/Transferee ANTHONY MURRAY	
Mailing Address 305 BROADWAY, 7 FLOOR	
City NEW YORK	State or Country (if foreign address) NY
Zip Code 10007-	
Telephone Number (include area code) 2127293045	E-Mail Address (if available) ANTHONY@MURRAYLLP.COM
3. Contact Representative (if other than Assignee/Transferee)	
Firm or Company Name	
Mailing Address	
City	State or Country (if foreign address)
Zip Code	
Telephone Number (include area code)	E-Mail Address (if available)
If more than one Transferee, submit the information requested in Questions 2 and 3 for each transferee. [Exhibit 10]	
4. <b>Agreements for Sale/Transfer of Station.</b> Assignee/Transferee certifies that: a. the written agreements in the licensee/permittee's public inspection file embody the complete and final agreement for the sale or transfer of the station(s); and b. these agreements comply fully with the Commission's rules and policies.	
<input type="radio"/> Yes <input checked="" type="radio"/> No [Exhibit 11]	
5. <b>Changes in interests as a result of assignment/transfer.</b>	



# EXHIBIT 4

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK  
IAS PART 59 – Justice DEBRA A. JAMES

-----X  
JUAN CARLOS MOLINA,

*Petitioner-Judgment Creditor,*

*-against-*

JAMES CHLADEK,

*Respondent-Judgment Debtor.*  
-----X

*Index No. 651210/14*

**AFFIRMATION IN OPPOSITION  
TO ORDER TO SHOW CAUSE**

*Return Date: August 26, 2014*

CHARLES M. BALISTRERI, an attorney duly admitted to practice in the State of New York, pursuant to CPLR 2106 and under the penalties of perjury, does hereby affirm to the truth of the following:

1. I am the managing member of ANES, FRIEDMAN, LEVENTHAL & BALSITRERI, ATTORNEYS AT LAW, PLLC, the attorneys for JUAN CARLOS MOLINA, the Petitioner-Judgment Creditor in the above-referenced proceeding. I respectfully submit this Affirmation in opposition to the Order to Show Cause issued on August 19, 2014 by Hon. Carol Edmead, J.S.C., and which is returnable on August 26, 2014 before Hon. Debra A. James, J.S.C.
2. The Order to Show Cause obtained by Respondent-Judgment Debtor, *pro se*, seeks to “STOP, HOLD, VACATE THE ORDER AND/OR JUDGMENT”.
3. The “Order” apparently refers to the Order dated July 11, 2014 issued by Hon. Debra A. James, J.S.C., appointing Anthony Murray, Esq., as Receiver, to enforce Petitioner’s multi-million dollar Judgment that Petitioner obtained against the Respondent in 2008. A copy of Justice James’ Order of July 11, 2014 is annexed hereto as **EXHIBIT 1**.

**THE 2008 JUDGMENT**

4. The Judgment was entered in this Court on October 9, 2008 in the principal sum of TWO MILLION, FIVE HUNDRED FORTY-THREE THOUSAND, SIX HUNDRED FIFTY-NINE DOLLARS AND THIRTY FIVE CENTS (\$2,543,659.35) in an action in this court under Index Number 603736/2006.

5. A copy of the Order to Show Cause that Justice James issued on April 24, 2014 seeking the appointment of a Receiver, together with the supporting affidavits and exhibits, is annexed hereto as **EXHIBIT 2**. EXHIBIT 2 herein includes, as Exhibit B therein, a copy of the Decision and Order of Hon. Shirley Werner Kornreich filed on July 2, 2009 [over 5 years ago] denying Respondent's application to vacate the Judgment.

6. A copy of the Judgment Roll and transcript of the Inquest held on September 29, 2008, before Hon. Howard G. Leventhal, Special Referee, is Exhibit A to EXHIBIT 2 herein.

7. Exhibit B in EXHIBIT 2 herein shows that Justice Kornreich's Decision and Order was served upon the Respondent with Notice of Entry on July 10, 2009 by the Judgment Creditor's former counsel.

8. Accordingly, Respondent's failed attempt to vacate the Judgment more than five years ago precludes granting such relief to him now.

**JUSTICE JAMES' ORDER OF JULY 11, 2014**

9. The Respondent is not entitled to vacate the Order appointing a Receiver to enforce the Judgment by the assignment and of broadcast licenses issued to the Judgment Debtor as Licensee by the Federal Communications Commission. If that is the relief sought by the Respondent, it should be denied.

10. The purported grounds that are listed by the Respondent in his supporting affidavit to the Order to Show Cause are as follows:



"1. Not Properly Served"

"2. Do Not Owe a Penny to Plaintiff"

"3. Have a Commission Pay Roll Records & Documents"

"4. Interfering with Business By Order "

11. Respondent presents no evidence or details relating to Items 2 and 3 of his Affidavit. In any event, those claims are barred by the outstanding Judgment, which the Respondent had neither claimed nor proved has been paid.

12. Item number 4 does not constitute a legal or factual basis to vacate this Court's Order appointing a Receiver to enforce the Judgment.

13. Item number 1, which alleges that the Respondent was not properly served, does not constitute a basis for granting any relief to the Respondent.

14. The Order to Show Cause directs the manner of its service. Petitioner sought the appointment of a Receiver by Order to Show Cause so that the manner of service would be ordered by the court, for the purpose of avoiding the claim that Respondent now alleges.

15. On the return date of the Order to Show Cause, Proof of Service was given to the Court, as evidenced by the Transcript of May 29, 2014 (annexed hereto as **EXHIBIT 3**), pg. 2, line 18 through page 3, line 5.

16. The Order to Show Cause directed that service be made by Express Mail, Overnight Delivery, to the Respondent at the following two (2) addresses:

- 204 East 23<sup>rd</sup> Street, Floor 2, New York, N.Y. 10010

- 3455 S. Highway A1A, Apt. 15, Melbourne Beach, Florida 32951-3014

17. As I explained in paragraph 20 of my Affirmation in support of the Order to Show Cause to appoint a Receiver, my office had sent a restraining notice to Respondent at the Florida address, which

was signed for. I also stated that the New York address was based upon an FCC license granted to the Respondent on January 3, 2014, showing his official mailing address to be 204 East 23<sup>rd</sup> Street, FL 2, New York, N.Y. 10010.

18. A copy of that License is Exhibit C to the Order to Show Cause seeking appointment of a Receiver (EXHIBIT 2 herein), and is separately annexed to this Affirmation as **EXHIBIT 4**.

19. The Respondent's Affidavit in support of his Order to Show Cause offers no reason why these addresses are not proper for service. *See*

⌘ *342 Madison Ave. Assoc. v. Suzuki Assoc. Ltd.*, 187 Misc.2d 488, 722 N.Y.S.2d 729, 730 (Sup.Ct. NY County 2001)—“Defendant's failure to receive the summons \* \* \* is not a sufficient excuse to vacate their default (*See, Kramer, Levin, Nessen, Kamin & Frankel v. International 800 Telecom Corp.*, 190 A.D.2d 538, 593 N.Y.S.2d 211 [1<sup>st</sup> Dept. 1993]).”

⌘ *Decpaua v. Morrissey*, 60 A.D.2d 754, 400 N.Y.S.2d 606 (4<sup>th</sup> Dept. 1977)—Defendant's bare statement that he did not receive and was not served with a summons and complaint is insufficient to contest jurisdiction and ‘does not rise to the status of excusable default since he does not contend that the method of substituted service was not proper’. (*citation omitted*).”

⌘ *Nazarian v. Monaco Imports, Ltd.*, 255 A.D.2d 265, 680 N.Y.S.2d 252 (1<sup>st</sup> Dept. 1998)—employer's bare assertion that it had not received income execution was insufficient to demonstrate excusable default.

20. While Respondent's Affidavit in support of his Order to Show Cause makes no claim impugning the mailing address on the FCC broadcast license issued to him on January 3, 2014—204 East 23<sup>rd</sup> Street, Floor 2, New York, N.Y. 10010—a claim to that effect still would not entitle him to vacate Justice James' Order appointing a Receiver to enforce the Judgment. The reason is the same as that which applies to the failure of a corporation to keep its address current with the Secretary of State, which does not constitute a reasonable excuse to vacate a judgment. *See*:

*Commissioners of the State Ins Fund v. Nobre, Inc.*, 29 A.D.3d 511, 816 N.Y.S.2d 493 (2d Dept. 2006)—“The defendant did not contend that the address on file with the Secretary of State was incorrect, and a mere denial of receipt of the summons and complaint was insufficient to rebut the presumption of proper service created by the affidavit of service (*citations omitted*)”;



*Cedeno v. Wimbledon Bldg. Corp.*; 207 A.D.2d 297, 615 N.Y.S.2d 40 (1<sup>st</sup> Dept 1994)—“But it is a corporation’s obligation to keep on file with the Secretary of State the current address of an agent to receive service of process [citation omitted], and failure to meet that obligation will not constitute reasonable to vacate a default judgment [citation omitted].”

21. Furthermore, the Respondent’s Order to Show Cause presents no reason why, on the merits, the appointment of a Receiver in this proceeding to enforce the unpaid multi-million dollar Judgment, by selling the FCC broadcast licenses held by the Respondent, was unwarranted both in fact and law. *See, Hotel 71 Mezz Lender, LLC v. Falor*, 14 N.Y.3d 303, 900 N.Y.S.2d 698, 926 N.E.2d 1202 (2010) where the Court of Appeals held that the,

Supreme Court did not abuse its discretion in appointing a post judgment receiver to administer defendants’ intangible personal property for purposes of satisfying plaintiff’s outstanding \$52 million judgment.

22. In *Hotel 71 Mezz Lender, LLC, supra*, the Court of Appeals stated:

The appointment of a receiver pursuant to CPLR section 5228(a) is a matter within the court’s discretion [citations omitted]. A motion to appoint a receiver should be “granted . . . when a special reason appears to justify one [citation omitted]. In deciding whether the appointment of a receiver is justified courts have considered the “(1) alternative remedies available to the creditor . . . ; (2) the degree to which the receivership will increase the likelihood of satisfaction . . . ; and (3) the risk of fraud or insolvency if a receiver is not appointed” [citations omitted]. **“A receivership has been held especially appropriate where the property interest involved is intangible, lacks a ready market, and presents nothing that a sheriff can work with at auction, such as the interest of a psychiatrist/judgment debtor in a professional corporation of which he is a member [citations omitted].**

[emphasis supplied]

23. The Order to Show Cause brought by the Respondent-Judgment Debtor presents no legal, factual or equitable basis for vacating the Order of Justice James appointing a Receiver to enforce the Judgment by taking assignment from the FCC of the broadcast licenses issued to Respondent-Judgment Debtor as licensee and selling those licenses and using the proceeds to satisfy the Judgment, or for in any manner interfering with the Receiver’s efforts to fulfill his obligations that are imposed by that Order.



24. In that regard, the Receiver is in the process of fulfilling his responsibilities pursuant to the Order appointing him (EXHIBIT 1 herein), as evidenced by recent correspondence between the Receiver and the FCC (annexed hereto as **EXHIBIT 5**).

25. In fact, the timing of the instant Order to Show Cause indicates that the Receiver's recent filings and communications with the FCC, is the catalyst for the Respondent's Order to Show Cause.

26. Accordingly, the relief sought by the Respondent-Judgment Debtor should be denied in all respects.

Dated: New York, New York  
August 21, 2014

  
\_\_\_\_\_  
CHARLES M. BALISTRERI, ESQ.

## **EXHIBIT 1**

At IAS Part 59 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse located at 71 Thomas Street, New York, NY 10007, on the \_\_\_\_\_ day of June, 2014

JUL 11 2014

PRESENT:

HON. DEBRA A. JAMES, J.S.C.-----X  
JUAN CARLOS MOLINA,

Index No. 651210/14

*Petitioner-Judgment Creditor,*ORDER*-against-*

JAMES CHLADEK,

*Respondent-Judgment Debtor.*  
-----X

Petitioner-Judgment Creditor JUAN CARLOS MOLINA, by his attorneys ANES, FRIEDMAN, LEVENTHAL & BALISTRERI, ATTORNEYS AT LAW, PLLC, having duly moved for an Order, pursuant to CPLR Section 5228, appointing a Receiver to enforce a Judgment entered in this Court on October 9, 2008 in favor of Petitioner and against Respondent in the principal sum of TWO MILLION, FIVE HUNDRED FORTY-THREE THOUSAND, SIX HUNDRED FIFTY-NINE DOLLARS AND THIRTY-FIVE CENTS (\$2,543,659.35) in an action filed in this Court under Index Number 603763/2006, with the Receiver being authorized and empowered to take control over all FCC broadcast licenses issued to and held by Respondent as Licensee, and to seek FCC permission to transfer such licenses by sale, to take possession of all sales proceeds and apply them towards the payment and satisfaction of the aforesaid Judgment, together with such other, further and different relief as to this Court may seem just and proper.

NOW, upon reading and filing of the Order to Show Cause dated April 24, 2014, the Affirmation of JUAN CARLOS MOLINA duly sworn to on April 9, 2014, the Affirmation of CHARLES M. BALISTRERI, ESQ. dated April 9, 2014, the Affirmation of ANTHONY MURRAY dated April 14,

Verified Petition



2014, and the exhibits annexed thereto, all submitted in support of said motion, and Respondent JAMES CHLADEK having failed to appear, answer or oppose the motion, and proof of service of said Order to Show Cause having been duly filed with the Court, evidencing that service of the Order to Show Cause upon the Respondent was made in the manner directed by said Order to Show Cause.

And the Order to Show Cause having regularly come before the Court to be heard on May 29, 2014, and the Petitioner having appeared by counsel on that day and the Respondent having failed to appear or oppose the motion, and after due deliberation having been held thereon with the Court having rendered its decision on the Record on May 29, 2014 (copy annexed hereto),

NOW, upon motion of ANES, FRIEDMAN, LEVENTHAL & BALISTRERI, ATTORNEYS AT LAW, PLLC, attorneys for Petitioner-Judgment Creditor, it is

JSC ORDERED, that the motion ~~be granted~~ is hereby granted in all respects, and that ANTHONY MURRAY, ESQ., of 305 Broadway, 7<sup>th</sup> Floor, New York, NY 10007, ~~be and~~ is hereby appointed Receiver, and he is authorized and empowered to take control over all FCC broadcast licenses issued to and held by Respondent as Licensee, and to seek FCC permission to transfer such licenses by sale either individually or jointly, and to sell such licenses, as well as any broadcasting equipment and facilities owned by Respondent, for cash for the best price obtainable; and it is further

ORDERED, that the Receiver is authorized to retain the services of one or more brokers possessing expertise in the sale and transfer of FCC broadcast licenses, and to compensate said broker(s) from the sales proceeds, and to take possession of all sales proceeds after payment of necessary expenses and apply them towards the payment and satisfaction of the aforesaid Judgment; and it is further

DKS JSC ORDERED that the Receiver, before entering upon his duties, shall give an undertaking to faithfully discharge his duties with sufficient surety or sureties in the penal sum of TWENTY-FIVE THOUSAND DOLLARS (\$ 25,000.00), and to file that bond in the office of the Clerk of the County of New York, and serve a copy thereof upon the Respondent-Judgment Debtor JAMES CHLADEK, and that

upon the filing of this Order and the final approval and filing of the <sup>and oath</sup> bond as required by law, the Receiver shall be invested with all the rights and powers of a Receiver as such according to law and practice; and it is further

ORDERED, that the Respondent-Judgment Debtor and his agents, servants and attorneys, and each of them, ~~be and~~ hereby are forbidden to interfere with the property of the judgment debtor, except in obedience hereto; and it is further

ORDERED, that the Receiver shall retain from the proceeds of the sale(s) an amount sufficient to satisfy the Judgment including all interest that has accrued since its entry, rendered in favor of the Petitioner-Judgment Creditor and sufficient to pay and/or reimburse the Receiver for his necessary expenses incurred in the sale of the radio broadcast licenses, together with the Receiver's commissions authorized by law, and to pay over the excess, if any, to the Respondent-Judgment Debtor.

ENTER:

~~V. CH. P. J. M. G.~~  
**DEBRA A. JAMES**  
**J.S.C.**

JUL 11 2014

☐ DO NOT POST

# EXHIBIT 5





Federal Communications Commission  
Washington, D.C. 20554

September 2, 2014

DA 14-1266

Pappammal Kurian  
4880 Sun Valley Dr.  
Las Vegas, NV 89121

RE: Petition to deny applications FCC File Nos. 0006361933, 0006361947, 0006361960, and 0006361965

Dear Ms. Kurian:

This letter addresses your petition, filed on August 18, 2014,<sup>1</sup> to deny the above-referenced applications for the assignment of sixty-nine land mobile and microwave licenses held by you or one of your entities, R F Data, Spectrum Wireless LLC, or PCS LLC, to William M. Holland (Holland).<sup>2</sup> For the reasons set forth below, we deny your petition, and will process the applications.

On January 30, 2014, the Nevada District Court of Clark County appointed Holland as receiver to liquidate the licenses and distribute the proceeds to satisfy a monetary judgment against you.<sup>3</sup> On May 7, 2014, you granted Holland power of attorney to act on behalf of you and your entities with respect to the licenses.<sup>4</sup> On July 10, 2014, Holland filed the above-referenced assignment applications. You oppose the assignment applications on the grounds that the Nevada state court orders rendering judgment against you and appointing a receiver were improper.<sup>5</sup>

The Commission's policy "is to accommodate state and local court decrees adjudicating disputes over contract and property rights, unless a public interest determination under the Communications Act . . . compels a different result."<sup>6</sup> In particular, we will not substitute our judgment for that of the state court regarding the legitimacy of a receivership appointment.<sup>7</sup> Any challenge to these actions must be pursued in a court of competent jurisdiction.<sup>8</sup> Therefore, we deny your request that we review the merits of the Nevada state court orders prior to processing the assignment applications.

<sup>1</sup> Pappammal Kurian Petition to Deny (filed Aug. 18, 2014) (Petition).

<sup>2</sup> FCC File Nos. 0006361933, 0006361947, 0006361960, 0006361965 (filed July 10, 2014).

<sup>3</sup> See Order Granting Plaintiff's Motion to Appoint William Holland as Receiver, Case No. A-12-669776-C, at 2 (Dist. Ct., Clark County, Nev. Jan. 30, 2014), contained in Exhibit 1 of the "Description of Assignment" attached to File Nos. 0006361933, 0006361947, 0006361960, 0006361965.

<sup>4</sup> See Exhibit 2 of the "Description of Assignment."

<sup>5</sup> See Petition at 1.

<sup>6</sup> *Arecibo Radio Corp., Memorandum Opinion and Order*, 101 F.C.C. 2d 545, 550 n.12 (1985), *aff'd sub nom. Llerandi v. FCC*, 863 F.2d 79 (D.C. Cir. 1988).

<sup>7</sup> See *KOLA, Inc., Memorandum Opinion and Order*, 11 FCC Rcd 14297, 14303 ¶ 11 (1996).

<sup>8</sup> *Id.*

Pappammal Kurian

Accordingly, IT IS ORDERED, pursuant to Sections 4(i), 303(r), and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 309(d), and Section 1.939 of the Commission's Rules, 47 C.F.R. § 1.939, that the Petition to Deny filed by Pappammal Kurian on August 18, 2014, IS DENIED, and applications FCC File Nos. 0006361933, 0006361947, 0006361960, and 0006361965 SHALL BE PROCESSED in accordance with this action and the Commission's rules and policies.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau

John J. Schauble  
Deputy Chief, Broadband Division  
Wireless Telecommunications Bureau

cc: William M. Holland, Receiver  
2850 S. Jones Blvd., Suite 1  
Las Vegas, NV 89146