

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In re Application of)	
)	
W. Lawrence Patrick, Receiver, Assignor)	
)	
VCY America, Inc., Assignee)	LMS Application File No.
)	0000130216
)	
Application for Consent to Assignment of)	LMS Pleading File Nos. 000035212,
Radio Stations)	0000135211 and 00001302216
KFRH(FM), North Las Vegas, NV (FIN: 19062))	
KREV(FM), Alameda, CA (FIN: 36029))	
KRCK-FM, Mecca, CA (FIN: 52908))	

To: Chief, Audio Division, Media Bureau

Second Supplement Opposition to Petition to Deny

W. Lawrence Patrick, Receiver (“Mr. Patrick” or “Receiver”) and VCY America, Inc. (“VCY”) by counsel, hereby jointly submit this Second Supplement their Opposition¹ to the Petition to Deny (the “Petition”) filed by Royce International Broadcasting Corporation and Silver State Broadcasting, Inc. (together, “Petitioner” or “Royce”) on February 3, 2021 with respect to the above-referenced application for assignment of KFRH(FM), KREV(FM) and KRCK-FM (the “Stations”) from Patrick to VCY (the “Application”).

The purpose of this Second Supplement is to provide the Commission with further insight into the on-going judicial proceedings occurring concurrently with this proceeding. On March 10, 2021, U.S. Federal District Court Judge Jesus G. Bernal denied the Petitioner’s motion to terminate the receivership and denied the request to enjoin the sale of the stations. A copy of the minutes

¹ The opposition was filed on February 18, 2021. LMS File No. 0000136457.

from the March 10 hearing is attached hereto as Exhibit A. As a result of Judge Bernal's order, Petitioner's arguments regarding the possible termination of the receivership are now moot. Judge Bernal reaffirmed at the hearing that he intends for the Receiver to sell the stations to VCY, again directly contradicting the Petitioner's position that a grant of the Application is premature.

Furthermore, Petitioner's appeal to the United States Court of Appeals for the Ninth Circuit appealing the appointment of the Receiver by Judge Bernal has been dismissed with respect to all corporate defendants-appellants.² See Exhibit B.

In light of the foregoing, Mr. Patrick and VCY respectfully request that the Commission promptly deny the Petition, grant the Application, and take such further action as may be just and proper.

Respectfully submitted,

W. Lawrence Patrick, Receiver



By: Dawn M. Sciarrino
His Attorney

Sciarrino & Shubert, PLLC
330 Franklin Road
Suite 135A-133
Franklin, TN 37027
Dawn@sciarrinolaw.com
(202) 256-9551

VCY America, Inc.

/s/ Kathrynne C. Dickerson

By: Kathrynne C. Dickerson
Ari Meltzer
Its Attorneys

Wiley Rein LLP
1776 K Street NW
Washington, DC 20006
kdickerson@wiley.law
ameltzer@wiley.law
(202) 719-7000

March 12, 2021

² See *WB Music Corp., et. al v. Royce International Broadcasting Corporation, et. al*, No. 20-55806, D.C. No. 5:16-cv-00600-JGB-SP, United States Court of Appeals for the Ninth Circuit, Central District of California, Riverside.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL

Case No. EDCV 16-00600-JGB (SPx) Date March 10, 2021

Title *WB Music Corp, et al. v. Royce International Broadcasting Corporation, et al.*

Present: The Honorable JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE

Maynor Galvez / Noe U. Ponce

Phyllis A. Preston

Deputy Clerks

Court Reporter

Attorney(s) Present for Plaintiff(s):

Sharon Douglass Mayo (VTC)
Rory Miller (VTC)
Fred D. Heather (VTC)
Daniel J. Kelly (VTC)
Dawn Sciarrino (VTC)
Laura E. Watson (VTC)
Jackson Wagener (VTC)

Attorney(s) Present for Defendant(s):

Dariush G. Adli (VTC)
Dan Alpert (VTC)

Proceedings: Video Telephonic Status Conference and Hearing on Motion to Discharge Receiver, Terminate Receivership, and Enjoin Sale of Defendant’s Radio Stations (Dkt. No. 369) - (Held & Completed)

The case is called and counsel state their appearances. Present in person is Ed Stolz. Also present by video telephone conference is receiver W. Lawrence Patrick and Officer and Board Member of Defendants’, Debby McKay.

The Court confers with counsel and hears oral argument. The Motion to Discharge Receiver, Terminate Receivership, and Enjoin Sale of Defendant’s Radio Stations is DENIED. The Court will review the latest filings regarding contempt and issue an order on the matter.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 8 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

WB MUSIC CORP.; et al.,

Plaintiffs-Appellees,

v.

ROYCE INTERNATIONAL
BROADCASTING CORPORATION; et al.,

Defendants-Appellants,

W. LAWRENCE PATRICK,

Receiver-Appellee.

No. 20-55806

D.C. No. 5:16-cv-00600-JGB-SP
Central District of California,
Riverside

ORDER

On January 6, 2021, the court ordered new counsel to file a notice of appearance for appellants Royce International Broadcasting Corporation, Playa Del Sol Broadcasters, Silver State Broadcasting, LLC, and Golden State Broadcasting, LLC, within 28 days after the date of the order. The order warned that failure to comply would result in dismissal for failure to prosecute as to the corporate appellants. To date, the corporate appellants have not complied with the court's order. This appeal is dismissed as to Royce International Broadcasting Corporation, Playa Del Sol Broadcasters, Silver State Broadcasting, LLC, and Golden State Broadcasting, LLC, only. *See* 9th Cir. R. 42-1.

A copy of this served on the district court shall, 21 days after the date of this

order, become the mandate of this court as to Royce International Broadcasting Corporation, Playa Del Sol Broadcasters, Silver State Broadcast, LLC, and Golden State Broadcasting, LLC, only.

The appeal will proceed as to the remaining parties.

Appellant Edward R. Stolz's opening brief is now due March 10, 2021. The answering brief is due April 9, 2021. The optional reply brief is due within 21 days after service of the answering brief.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

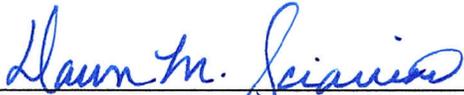
By: Sofia Salazar-Rubio
Deputy Clerk
Ninth Circuit Rule 27-7

CERTIFICATE OF SERVICE

I, Dawn M. Sciarrino, an attorney in the law firm of Sciarrino & Shubert, PLLC, hereby state under penalty of perjury that the forging **Second Supplement to Opposition to Petition to Deny** was mailed to the following on this 12th day of March 2021:

Dan J. Alpert
Counsel to Royce International Broadcasting Company
And Silver State Broadcasting, Inc.
2120 21st Rd. N
Arlington, VA 22201

Christopher Clark, Esq.*
Federal Communications Commission
christopher.clark@fcc.gov



Dawn M. Sciarrino

* via email only