

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

In Re: Application of	)	
	)	
Joseph Bernstein	)	File No. BAL-20191101AAM
	)	Facility ID No. 167606
For Consent to an Involuntary	)	
Assignment of License of	)	
Low Power Television Station	)	
WFGD-LD, Philadelphia, Pennsylvania, to	)	
Philadelphia Television Network, Inc.	)	
Attention: Video Division, Media Bureau		

**MOTION FOR LEAVE TO FILE A SUPPLEMENT TO OPPOSITION**

Philadelphia Television Network, Inc. (“PTNI”), by its counsel, and pursuant to Section 1.41 of the Commission’s rules, 47 C.F.R. § 1.41, respectfully submits this Motion for Leave to File a Supplement to Opposition (“Motion for Leave”), to supplement the Opposition filed by PTNI on November 26, 2019 (the “Opposition”) to the pleading styled as a Request for Dismissal (the “Informal Objection”) filed by a Newport Investment Group, LLC entity (“Newport”) on November 14, 2019, in opposition to the above-captioned Form 316 application (File No. BAL-20191101AAM, the “Application”) for Federal Communications Commission (“FCC”) consent to the involuntary assignment of the FCC license of Low Power Television (“LPTV”) broadcast station WFGD-LD, Philadelphia, Pennsylvania (Facility ID No. 167606, “WFGD”), from Joseph Bernstein (“Bernstein”), who has been removed as a temporary receiver of the FCC license for WFGD by the court that previously appointed him, back to PTNI as the proper FCC licensee.

In its Opposition, PTNI demonstrated that the Informal Objection cites no relevant authority or any relevant factual basis why the Application should not be granted (but rather offers

only a list of false or intentionally misleading representations, that are not relevant to this Application), therefore the Informal Objection must be dismissed or denied and the Application promptly granted. Among other arguments, Newport mentioned that it had filed a motion in California seeking to have Bernstein appointed as a receiver by a court there, see Informal Objection at 8 (at ¶ 24), which PTNI informed the Commission had already been denied on an “emergency” and *ex parte* basis, but would still be heard on a non-emergency basis at a hearing scheduled for December 5, 2019. See Opposition at ¶ 15, n.9 and Exhibit D (providing a copy of the California court order denying Newport “emergency” motion for appointment of receiver there).

The purpose of the Supplement to Opposition is to advise the Commission that shortly after that hearing, and on the same day, the California court has now denied Newport’s motion; a copy of the California court’s order denying Newport’s motion is attached hereto as Exhibit A. As a result, there is no reason for any further delays in Commission action on the Application, which now may be granted based on the Receiver Removal Order.

Wherefore, the premises set forth above in this Motion for Leave being considered, PTNI respectfully requests that the Commission grant this Motion for Leave, accept and consider the Supplement to Opposition being filed by PTNI on this same date, and promptly grant the Application so that PTNI can be reinstated as the proper Commission licensee of WEEG (and with use of its FRN and password restored to PTNI).

Respectfully submitted,

**Philadelphia Television Network, Inc.**

A handwritten signature in black ink, appearing to read "Jeffrey L. Timmons", written over a horizontal line.

By: \_\_\_\_\_  
Jeffrey L. Timmons, Esq.  
Its Attorney

Jeffrey L. Timmons, Esq.  
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December 10, 2019 (electronically filed in CDBS)

**CERTIFICATE OF SERVICE**

I, Jeffrey L. Timmons, hereby certify that on this 10th day of December, 2019, a copy of the foregoing “Motion for Leave to File a Supplement to Opposition” has been served by United States first class or priority mail, postage prepaid and mailed on the pleading filing date, upon the following:

Mr. Richard H. Glanton  
26 Snowden Lane  
Princeton, New Jersey 08540

Kathleen Victory, Esq.  
Fletcher, Heald & Hildreth, PLC  
1300 N. 17<sup>th</sup> Street, Suite 1100  
Arlington, Virginia 22209  
*Counsel to Joseph Bernstein*

Newport Investment Group, LLC  
Attention: Brian Roche  
2510 E. Sunset Road #5-518  
Las Vegas, Nevada 89120

A handwritten signature in black ink, appearing to read "Jeffrey L. Timmons", written in a cursive style.

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Jeffrey L. Timmons, Esq.

**EXHIBIT A**

**California Receiver Denial Order**

Attached hereto is a copy of the Minute Order dated December 5, 2019, by the Superior Court of California, County of Orange, Central Justice Center in Case No. 30-2016-00880965-CU-BC-CJC.

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER**

**MINUTE ORDER**

DATE: 12/05/2019

TIME: 01:30:00 PM

DEPT: C22

JUDICIAL OFFICER PRESIDING: Glenn Salter

CLERK: Karen Nordin

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: Fidel Ibarra, Jr

CASE NO: **30-2016-00880965-CU-BC-CJC** CASE INIT.DATE: 10/13/2016

CASE TITLE: **LUXURY ASSET LENDING, LLC vs. PHILADELPHIA TELEVISION  
NETWORK, INC.**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Breach of Contract/Warranty

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EVENT ID/DOCUMENT ID: 73163344

**EVENT TYPE:** Motion to Appoint Receiver

MOVING PARTY: Newport Investment Group, LLC

CAUSAL DOCUMENT/DATE FILED: Motion - Other Appointing Temporary Receiver, 11/08/2019

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**APPEARANCES**

John A. Crose, Jr., from Isaacs Clouse Crose & Oxford LLP, present for Defendant(s).

Stuart A. Katz, from Law Offices of Stuart A. Katz, P.C., present for Assignee, Interested Party(s).

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**Tentative Ruling posted on the Internet as follows:**

The motion of Judgment Creditor Newport Investment Group, Inc., for a post-judgment appointment of a receiver for a broadcast station in Philadelphia, Pennsylvania, is DENIED. (See Code Civ. Proc., § 564, subd. (b).)

This matter is better left to the sound discretion of the Pennsylvania courts and the FCC, even if this court has the power to issue the relief requested.

It is this Court's understanding that the proposed receiver, Pennsylvania resident Joseph Bernstein of Spina & Company, was in place and later removed by the Pennsylvania courts and that his removal is the subject of appellate review in the Pennsylvania courts and the FCC.

The Judgment Creditor shall give notice.

**In open court at 1:40pm:**

Defense submits on the Court's tentative ruling.

The Court hears argument.

**The tentative ruling becomes the order of the Court.**

Court orders Judgment Creditor to give notice.