

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

In Re: Application of)
)
Philadelphia Television Network, Inc.) File No. BALDTL-20181120AAT
) Facility ID No. 167606
For Consent to an Involuntary)
Assignment of License of)
Low Power Television Station)
WEFG-LD, Philadelphia, Pennsylvania, to)
Joseph Bernstein, as a Receiver)

Attention: Video Division, Media Bureau

MOTION FOR LEAVE TO FILE SIXTH SUPPLEMENT

Philadelphia Television Network, Inc. (“PTNI”), Eugene L. Cliett, an officer, director and shareholder of PTNI (“Cliett”), and DSP Investors, LLC, a secured creditor of PTNI (“DSP”, and together with PTNI and Cliett, the “Petitioners”), by their 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 Sixth Supplement (“Motion for Leave”), to supplement the record related to Petitioner’s Petition for Reconsideration (the “Petition”)¹ of the grant of the above-captioned Form 316 application (File No. BALDTL-20181120AAT, the “Application”) for Federal Communications Commission

¹ The Petition was electronically filed by the Petitioners on December 21, 2018, and supplemented by a Supplement to Petition for Reconsideration filed on January 2, 2019 (the “First Supplement”), and further supplemented by a Second Supplement to Petition for Reconsideration filed on January 28, 2019 (the “Second Supplement”). The First Supplement and Second Supplement were filed by Petitioners as a matter of right, within the time period required for filing a petition for reconsideration under Section 1.106(f) of the Commission’s rules, 47 C.F.R. § 1.106(f). See Second Supplement at ¶ 4 and n.4. A Third Supplement to Petition for Reconsideration (the “Third Supplement”), along with a Motion for Leave to File Third Supplement, were filed by Petitioners on October 28, 2019; a Fourth Supplement to Petition for Reconsideration (the “Fourth Supplement”), along with a Motion for Leave to File Fourth Supplement, were filed by Petitioners on December 10, 2019; and a Fifth Supplement to Petition for Reconsideration (the “Fifth Supplement”), along with a Motion for Leave to File Fifth Supplement, were filed by Petitioners on October 30, 2020.

(“FCC”) consent to the involuntary assignment of the license of Low Power Television (“LPTV”) broadcast station WCFG-LD, Philadelphia, Pennsylvania (Facility ID No. 167606, “WCFG”), to Joseph Bernstein (“Bernstein”), as a temporary receiver, to advise the Commission of a recent California Supreme Court order denying a petition for review of the California appellate court remanding to and instructing the lower court to vacate the default, default judgment, and assignment order on which the appointment of Bernstein as a receiver for WCFG - - which appointment has already been vacated by the Philadelphia court that appointed him as receiver, leaving no legal basis for Bernstein to continue as receiver - - was based.²

In their Third Supplement, Petitioners advised the Commission of a recent order from a Philadelphia court³ denying the underlying petition for appointment of receiver⁴ on which the order appointing Bernstein as a temporary receiver was based,⁵ and vacating the Receiver Appointment Order itself, removing Bernstein as temporary receiver for WCFG’s FCC license, and therefore any legal basis for the grant of the Application. As with the Receiver Removal Order, since the vacation of the underlying California default, default judgment, and assignment order on which the appointment of the receiver was based, as ordered by the California Appellate Court in the Opinion, is dispositive of all issues in this proceeding, and now that Opinion is also a final order,

² See Opinion issued October 29, 2020, by the Court of Appeal of the State of California, Fourth Appellate District, Division Three (the “California Appellate Court”) in Case No. G057766 (Superior Court Case No. 30-2016-00880965), a copy of which was attached to the Fifth Supplement as Exhibit A (the “Opinion”).

³ See Order dated October 24, 2019, by the Philadelphia County Court of Common Pleas (the “Philadelphia Court”) in Case No. 000074, a copy of which was attached to the Third Supplement as Exhibit A (the “Receiver Removal Order”).

⁴ Copies of the Emergency Petition for Appointment of Receiver (the “Emergency Petition”) and a Memorandum of Law in Support of Petition to Appoint Receiver (the “Memorandum”) were attached to the Petition as Exhibit B. See Petition at Exhibit B. The Emergency Petition and Memorandum were filed with the Philadelphia Court under the name or guise of Luxury Asset Lending, LLC (“LAL”), by some not clearly identified Newport Investment Group, LLC entity (generically, “Newport”) as a purported assignee of LAL.

⁵ See Order dated November 19, 2018, by the Philadelphia Court in Case No. 000074, a copy of which was attached to the Application with Exhibit 6 (the “Receiver Appointment Order”).

the Petition must be granted and the Application dismissed or denied, and PTNI promptly reinstated as the FCC licensee of PTNI.

Petitioners are requesting leave in order to advise the Commission that the petition for review of the Opinion filed by Newport with the California Supreme Court has been denied, making the Opinion a final order no longer subject to any further review or appeal, and to advise that the California Appellate Court has sent notice to the underlying trial court advising that the Opinion is a final order, so that the lower court shall take the ministerial action of vacating the default, default judgment, and assignment order, all as ordered by the Opinion. Considering this Sixth Supplement would serve the public interest by updating the record in this proceeding, and allowing the Commission to take prompt action to grant the Petition now that all issues and arguments raised in opposition to the Petition are now moot. Therefore, Petitioners request that the Commission accept and consider the Sixth Supplement to Petition for Reconsideration being filed by Petitioners on this same date (the "Sixth Supplement"), so that the Commission has a complete record in this proceeding.

Wherefore, the premises set forth above in this Motion for Leave being considered, Petitioners respectfully request that the Commission grant this Motion for Leave, accept and consider the Sixth Supplement being filed by Petitioners on this same date, and based on the Receiver Removal Order previously submitted to the Commission as well as the Opinion, which is now a final order, and both of which court orders require reconsideration of the grant of the Application, and also prompt grant of the Petition and dismissal or denial of the Application, and immediate reinstatement of PTNI as the proper FCC licensee of WEEG.

Respectfully submitted,

**Philadelphia Television Network, Inc.,
Eugene L. Cliett, and DSP Investors, LLC**



By: _____
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February 15, 2021 (electronically filed in CDBS)

CERTIFICATE OF SERVICE

I, Jeffrey L. Timmons, hereby certify that on this 15th day of February, 2021, a copy of the foregoing “Motion for Leave to File Sixth Supplement” has been served by United States first class or priority mail, postage prepaid and mailed on the pleading filing date, upon the following:

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