

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	)	
WEFG-LD, Philadelphia, Pennsylvania, to	)	
Philadelphia Television Network, Inc.	)	

Attention: Video Division, Media Bureau

**MOTION FOR LEAVE TO FILE FOURTH 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 Fourth Supplement to Opposition (“Motion for Leave”), to file a fourth supplement (the “Fourth Supplement”) to 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 WEFG-LD, Philadelphia, Pennsylvania (Facility ID No. 167606, “WEFG”), from Joseph Bernstein (“Bernstein”), who has been removed as a temporary receiver of the FCC license for WEFG 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 a Second Supplement to Opposition filed on October 30, 2020 (the “Second Supplement”), was to advise the Commission that the California appellate court has now ordered that the original default, default judgment, and assignment order - - on which the Philadelphia Court relied in appointing Bernstein as receiver (before the Philadelphia Court then vacated its appointment order, leaving Bernstein with no legal basis or authority to be or act as the receiver for WEEG) - - be vacated. See Second Supplement at 2, n.1, and Exhibit A (the “Opinion”) at 1 and 23. Such actions by the Opinion render all of the arguments raised by Newport in its Informal Objection moot, such that the it is dispositive in this matter. As a result, there have been no reason for any further delays in Commission action on the Application, which now may be granted based on the Receiver Removal Order.

The purpose of a Third Supplement to Opposition filed by PTNI on February 15, 2021 (the “Third Supplement”) was to advise the Commission that a petition for review 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. See Third Supplement at 4-6, nn.3-4, and Exhibits B and C.

The purpose of the Fourth Supplement is to advise the Commission that Newport's appeal of the Philadelphia court order removing Bernstein as temporary receiver for WCFG has been dismissed.<sup>1</sup> Considering the Fourth Supplement would serve the public interest by updating the record in this proceeding, and allowing the Commission to take prompt action to grant the Application now that all issues and arguments raised in the Informal Objection are now moot.

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 Fourth Supplement to Opposition being filed by PTNI on this same date, as well as the Opposition and the three other supplements filed previously, and promptly grant the Application so that PTNI can be reinstated as the proper Commission licensee of WCFG (and with use of its FRN and password restored to PTNI).

Respectfully submitted,

**Philadelphia Television Network, Inc.**



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

Jeffrey L. Timmons, Esq.  
974 Branford Lane NW  
Lilburn, Georgia 30047-2680  
(678) 463-5116 telephone  
jeff@timmonspc.com

April 15, 2021 (electronically filed in CDBS)

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<sup>1</sup> See Order issued April 13, 2021, by the Superior Court of Pennsylvania, Philadelphia County Civil Division (the "Pennsylvania Appellate Court"), Appeal No. 180500074 in Case No. 3529 EDA 2019, a copy of which is attached to the Fourth Supplement as Exhibit A (the "Order").

**CERTIFICATE OF SERVICE**

I, Jeffrey L. Timmons, hereby certify that on this 15th day of April, 2021, a copy of the foregoing “Motion for Leave to File Fourth 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



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Jeffrey L. Timmons, Esq.