

**Before the
Federal Communications Commission
Washington, DC 20554**

**FCC 16M-19
10611**

In the Matter of)	EB Docket No. 14-82
)	
PATRICK SULLIVAN)	FRN: 0003749041, 0006119796,
(Assignor))	0006149843, 0017196064
)	
and)	Facility ID No. 146162
)	
LAKE BROADCASTING, INC.)	File No. BALFT-20120523ABY
(Assignee))	
)	
For Commission Consent to the Assignment of)	
License of FM Translator Station W238CE,)	
Montgomery, Alabama)	

ORDER

Issued: June 8, 2016

Released: June 8, 2016

In *Order*, FCC 16M-17 at 2 (rel. May 5, 2016), the Presiding Judge ordered Lake Broadcasting to file a notification on or before Tuesday, May 24, 2016 informing the Presiding Judge and the Enforcement Bureau whether Lake Broadcasting intended to depose Dr. Kimberly Weitzl and/or Ms. Tammy Gremminger, both of whom are prospective witnesses for the Enforcement Bureau.

Lake Broadcasting filed a Notification of Intent to Depose on May 17, 2016, stating that it wished to depose Dr. Weitzl and Ms. Gremminger. Lake Broadcasting Notification at 1. In a Response dated May 26, 2016, the Bureau noted that Bureau counsel has a conflict with Lake's preferred weeks of June 20 and June 27 but did not otherwise object to Lake deposing Dr. Weitzl and Ms. Gremminger on mutually agreeable dates. *See* Bureau Response at 2.

Lake Broadcasting represents that "Mr. Rice has no recollection that Ms. Gremminger was his Probation or Parole Officer and does not believe that he even met her" Lake Broadcasting Notification at 2, para. 3. Therefore, Lake Broadcasting requests documents from the Bureau and/or Ms. Gremminger concerning statements made by Ms. Gremminger and the Bureau indicating that Ms. Gremminger personally worked with Mr. Rice as his probation and/or parole officer. *Id.* at 2, para. 2.

In response, the Bureau stated that “Ms. Gremminger’s testimony is based on her position as a person representing local law enforcement with knowledge of Mr. Rice’s background and records, *not on personal contact with Mr. Rice.*” Bureau Response at 2, para. 3 (emphasis added, footnote omitted). However, the Bureau’s response seems to contradict Ms. Gremminger’s sworn statement, which does indicate some form of personal contact with Mr. Rice. *See* Statement of Tammy Gremminger (Nov. 16, 2015) at 1, para. 2 (stating that she “remember[s]” Mr. Rice and that her opinions are based in part on her “recollection” of Mr. Rice’s performance during his parole). Therefore, the Judge orders the Bureau to submit a written explanation, either from Ms. Gremminger herself or a Bureau representative having knowledge of the facts, explaining and clarifying whether Ms. Gremminger had contact(s) with Mr. Rice and, if so, in what capacity. Such written explanation shall be exchanged and filed in this matter no fewer than **ten (10) business days** before Ms. Gremminger’s scheduled deposition.

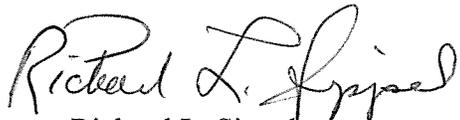
In addition, Lake Broadcasting may also request relevant documents from the Bureau in the form of a FOIA request, as provided by Commission rules. *See* 47 CFR §§ 1.325(b) and 0.461. Lake Broadcasting may also move for a third-party subpoena to obtain documents directly from Ms. Gremminger, subject to objections from the parties.

The Presiding Judge is very concerned about excessive further delay. These documents should have been sought and obtained when counsel first learned of Ms. Gremminger and Dr. Weitzl as prospective witnesses. Nonetheless, the Enforcement Bureau must cooperate, to the extent possible, with Lake Broadcasting’s efforts to collect the relevant documents needed for complete and effective deposing.

Finally, the parties must submit a deposition schedule by the close of business on **Friday, June 10, 2016**, identifying each witness to be deposed, as well as the date, time, and location of each deposition.

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION¹


Richard L. Sippel
Chief Administrative Law Judge

¹ Courtesy copies will be sent by email on the date of issuance to all counsel.