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Article published Wednesday, January, 2009

Settlement ends WMNT-TV dispute Cornerstone Church gets control of station; ex-owners absolved

By DAVID YONKE BLADE STAFF WRITER

The last battle in a long-running legal war over ownership of Toledo's smallest television station ended quietly in court yesterday, "not with a bang but a whimper," as one attorney said, quoting poet T.S. Elliot.

The settlement gives Cornerstone Church uncontested control of WMNT-TV, Channel 48, while the station's former owners, Lamaree "Marty" Miller and his wife, Linda, are absolved of nearly \$600,000 in legal judgments.

In addition, Cornerstone and other creditors dropped motions seeking sanctions against the board members of L&M Video Productions, Inc., a corporation founded by the Millers.

Earl Murry, L&M's board president, also agreed to withdraw two letters of objection he had filed with the Federal Communications Commission.

The settlement was reached after more than three hours of closed-door negotiations yesterday morning in Common Pleas Judge Linda Jennings' chambers in the Lucas County Courthouse.

Few details were released, but attorneys for both sides called it a "global settlement," concluding a convoluted case that has involved dozens of attorneys; two receivers; six county, state, and federal courts; the FCC; the Securities and Exchange Commission; the Internal Revenue Service; and the FBI.

The station was founded in 1987 when the FCC granted a license for W48AP, a low-power station broadcasting with a 6,000-watt signal. The Millers signed a contract in 1992 to buy the station for \$160,000, making it the first and only local TV station to be minority-owned.

It took four years for the Millers to arrange financing. When they took the reins in 1996, they changed the station's call letters to WNGT, for New Generation.

Television. They eventually boosted the signal strength to 11,000 watts and broadcast a mix of syndicated programs, sports, and reruns.

In December, 1997, the Millers received \$10,000 from Cornerstone Church in a transaction that Mr. Miller testified in court was a stock investment but which Cornerstone contended was a loan.

The Pentecostal church in Maumee, which has weekly attendance of around 6,000, continued its financial relationship with the TV station and the Millers for several years until 2003, when it was announced that the Millers were selling the station to a consortium of labor unions for \$1 million.

Her offer for \$1.7 million was revealed about the same time.

That's when Cornerstone Church moved to protect its growing investment, according to the Rev. Robert Pitts, associate pastor. The church obtained

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a temporary restraining order to halt negotiations on the sale and entered a corporate agreement with the Millers, hiring them to run the station for a combined annual salary of \$100,000.

That agreement fell apart after 16 months when Cornerstone said it discovered two outstanding judgments against the Millers and Channel 48 for \$466,000.

A court-appointed receiver, Sylvania attorney Ralph DeNune III, began overseeing the station and eventually put it up for auction, with Cornerstone Church buying it for \$913,854 in 2006.

The station is now run by a Cornerstone subsidiary, Matrix Broadcasting Communications Inc., and is carried on Channel 58 on Buckeye CableSystem. It broadcasts a mix of secular programs and sports.

Mr. Miller and his supporters have fought Cornerstone every step of the way, frequently alleging fraudulent and conspiratorial tactics by the church and its attorneys. Among the efforts Mr. Miller pursued were filing objections with the FCC seeking to prevent, and later rescind, the license transfer to Cornerstone, and complaints with the SEC and IRS over stock transfers.

The Miller contingent also filed a series of corporate bankruptcy petitions; a federal discrimination lawsuit against the church and L&M Video; lawsuits in Lucas County Common Pleas Court and an appeal to the Ohio 6th District Court of Appeals; and ethics complaints with the Toledo Bar Association and the Ohio Supreme Court against the church's attorneys. All the claims were dismissed or dropped.

Mr. Miller also said he went to the Toledo FBI and wrote a letter to the FCC alleging that one of his creditors, Mark Dobronsky, whose Michigan company, Teletech, Inc., leases space for the TV station's transmitter, had accused him of making death threats.

It was a judgment from Teletech against Mr. Miller that forced the station into receivership.

Yesterday, Teletech's attorney, Jim Nowak, said the firm agreed to transfer that judgment - which was \$238,000 two years ago and which has continued to collect interest - to Cornerstone.

Bruce Schoenberger, a Cornerstone attorney, said the church will work with Mr. Dobronsky to settle that judgment. According to Mr. Schoenberger, Mr. Dobronsky was not happy with the arrangement but felt it was better than having the legalities drag on further.

In March, 2008, Judge Jennings issued a sternly worded decision saying that the Millers "fraudulently" and "wrongly" diverted more than \$125,000 from the TV station during receivership for personal items, and ordered the couple to pay the money to the receiver.

All judgments against the Millers and L&M are now dropped, Mr. Schoenberger said, including the \$466,000 in judgments and the \$125,000 in diverted funds.

Cornerstone Church is also dropping a request for the Millers and L&M to reimburse the church for legal fees.

Howard Hershman, another Cornerstone attorney, said all pending motions were dismissed with prejudice, which bars any new legal filings involving prior events.

Mr. Schoenberger said the settlement "was one of the directions we had hoped this would go," and that Cornerstone was satisfied with the outcome.

Mr. Pitts said he was "very glad" to settle the case but that he would not have done so without a letter Mr. Murry wrote to the FCC, which will be available on the FCC's Web site and in WMNT's public information file.

"That letter was important to me because it addressed the inflammatory comments he has made toward us, our church officials, and our attorneys," Mr. Pitts said. "Without that letter, we would have moved forward with our motions for sanctions."

Mr. Murry, L&M Video's president of the board, said after the settlement yesterday that he had no comment and neither did Mr. Miller nor the other board members, Gabriel Barrow, Billy Barrow, and Richard Johnson.

Contact David Yonke at: dyonke@theblade.com or 419-724-6154.

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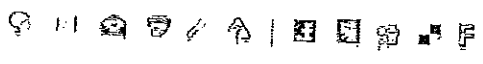
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