

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

HAVENS, et al.,
Appellants,
v.

MARITIME COMMUNICATIONS/
LAND MOBILE LLC,
Appellee.

CIVIL ACTION NO. 1:13-cv-00180-SA
Lead Case

CONSOLIDATED WITH

HAVENS, et al.,
Appellants,
v.

MARITIME COMMUNICATIONS/
LAND MOBILE LLC,
Appellee.

CIVIL ACTION NO. 1:13-cv-00181-SA
1:13-cv-00182-SA
1:13-cv-00183-SA
1:13-cv-00184-SA
1:13-cv-00190-SA
1:13-cv-00191-SA
1:13-cv-00192-SA
1:13-cv-00193-SA
1:13-cv-00194-SA

**ORDER CONSOLIDATING APPEALS AND REQUIRING
NOTICE OF INTENT TO PARTICIPATE IN APPEALS**

THIS MATTER having been opened to the Court at a case management conference held on August 8, 2014, and on the consent of the appellants, Warren Havens, Skybridge Spectrum Foundation, Verde Systems LLC (formerly called Telesaurus, VPC LLC), Environmental LLC (formerly called AMTS Consortium, LLC), Intelligent Transportation and Monitoring LLC, and Telesaurus Holdings GB LLC (collectively, “SkyTel”), by and through their counsel, Saiber LLC and Currie Johnson Griffin & Myers, P.A.; and appellee, Maritime Communications/Land Mobile LLC (“Maritime”), by and through their counsel, Law Offices of Craig M. Geno, PLLC;

and Choctaw Telecommunications, LLC (“Choctaw”), by and through its counsel Baker, Donelson, Beamer, Caldwell & Berwitz; for entry of an Order consolidating the above-captioned bankruptcy appeals (collectively, the “Appeals”); and the SkyTel Parties having previously filed three separate motions to consolidate all of the appeals (the “Motions to Consolidate”) relating to the above captioned bankruptcy case (the “Bankruptcy Case”) into the following groups of appeals: (i) Civil Action Nos. 1:13-CV-00173-SA and – 00174-SA relating to the Order Confirming Plan of Reorganization in the Bankruptcy Case [Docket Nos. 973 and 980] and the Order Denying SkyTel’s Motion to exclude the Expert Testimony of Debtor’s alleged expert, Robert J. Keller [Docket No. 985] (the “Confirmation Order Appeals”); (ii) Civil Action Nos. 1:13-CV-00180-SA, 00181-SA, 00182-SA, 00183-SA and 00184-SA relating to the Orders approving the assumption of certain executory contracts (asset purchase agreements) and to sell or assign certain licenses to (a) Southern California Regional Rail Authority; (b) Enbridge, Inc.; (c) Dixie Electric Membership Corporation, Inc. and (d) Atlas Pipeline, Inc. (the “First Set of Assignment/Sale Orders”) [Docket Nos. 854, 855, 856, 857 and 952]; and (iii) Civil Action Nos. 1:13-CV-00190-SA, 00191-SA, 00192-SA, 00193-SA and 00194-SA relating to the Orders approving the assumption of certain executory contracts (the “Second Set of Assignment/Sale Orders”) [Docket Nos. 767, 769, 770, 772 and 723]; and the Court having considered the Motions to Consolidate and having conducted a case management conference on August 8, 2014 as to various matters, including the Motions to Consolidate; and the Court having considered the prior joint submission of the parties dated August 4, 2014 and the statements and positions of counsel as set forth on the record on August 8, 2014; and it appearing that the First Set of Assignment/Sale Orders and Second Set of Assignment/Sale Orders involve common questions of law and certain common questions of fact; and it further appearing that the Confirmation

Order Appeals are simultaneously being consolidated under Civil Action No. 1:13-cv-00173-SA; and for good cause shown:

IT IS HEREBY ORDERED, as follows:

The previously-filed Motions to Consolidate in these appeals are hereby deemed MOOT;

Civil Action No. 1:13-CV-00180-SA entitled *Havens, et al, Appellant v. Maritime Communications/Land Mobile LLC, Appellee*, is hereby consolidated with Civil Action Nos. 1:13-CV-00181-SA; 1:13-CV-00182-SA; 1:13-CV-00183-SA; 1:13-CV-00184-SA; 1:13-CV-00190-SA; 1:13-CV-00191-SA; 1:13-CV-00192-SA; 1:13-CV-00193-SA and 1:13-CV-00194-SA, all being styled with the same title (collectively, the “Consolidated Appeals”). Civil Action No. 1:13-CV00180-SA will serve as the lead case in the Consolidated Appeals and the style is to read as above captioned;

Counsel are directed to indicate in the caption of all documents filed with the Court in the Consolidated Appeals both the lead case number and consolidated case numbers. The words “CONSOLIDATED WITH” must appear directly under the lead case number before the first consolidated case number. Counsel for all parties are directed to docket and file all documents in the lead case unless directed otherwise. Documents may be filed in all cases so long as counsel places the words “FILED IN ALL CASES” in the caption under the last case number and electronically files the document in each and every case in which the document is to be filed or appropriate spreads the filing accordingly to the court’s electronic case management and filing system. Counsel are responsible for accurately and correctly following these requirements in all filings via the court’s electronic management system; and it is

FURTHER ORDERED AND NOTICE IS HEREBY GIVEN that the Liquidating Agent under the Debtor’s First Amended Plan of Reorganization, contract counterparties and

other potentially interested parties with respect to the Consolidated Appeals must file a Notice of Interested Party within 14 days after the entry of this Order indicating that they intend to participate in the Consolidated Appeals or be barred from participating in the Appeals.

This the 12th day of September, 2014.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE

Submitted by:

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