

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE

In re: )  
 ) Chapter 11  
 )  
PEGASUS SATELLITE TELEVISION, INC., et al., )  
 ) Case No. 04–20878 (JBH)  
 )  
Debtors. ) (Jointly Administered)  
 )

JOINT PRETRIAL STATEMENT/PRETRIAL ORDER

The Debtors and Debtors-in-Possession<sup>1</sup> having filed Debtors’ First Omnibus Objection To And Motion To Reclassify, Reduce or Disallow Certain Claims Pursuant To 11 U.S.C. §502(b), Bankruptcy Rules 3001 and 3007, and D. Me. LBR 3007-1 (the “First Objection”) and the Debtors’ Second Omnibus Objection To And Motion To Reclassify, Reduce or Disallow Certain Claims Pursuant To 11 U.S.C. §502(b), Bankruptcy Rules 3001 and 3007, and D. Me. LBR 3007-1 (the “Second Objection”), the First Objection as it relates to the claims of Gatelinx Corp (“Gatelinx”) having been continued by consent of the parties, and Gatelinx having responded to the Second Objection, the Debtors and Gatelinx submit the following Joint Pretrial Statement/Pretrial Order and agree that, upon the court's endorsement, its terms shall govern pretrial proceedings for the First Objection and Second Objection as contested matters.

I. Pleadings.

The contested matters of the First Objection and the Second Objection as they relate to Gatelinx’s claims are consolidated. Gatelinx’s response to the Second Objection shall be deemed to be a response to the First Objection. The pleadings are complete.

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<sup>1</sup> The Debtors are: Argos Support Services Company, Bride Communications, Inc., B.T. Satellite, Inc., Carr Rural TV, Inc., DBS Tele-Venture, Inc., Digital Television Services of Indiana, LLC, DTS Management, LLC, Golden Sky DBS, Inc., Golden Sky Holdings, Inc. Golden Sky Systems, Inc., Henry County MRTV, Inc., HMW, Inc., Pegasus Broadcast Associates, L.P., Pegasus Broadcast Television, Inc., Pegasus Broadcast Towers, Inc., Pegasus Media & Communications, Inc., Pegasus Satellite Communications, Inc., Pegasus Satellite Television of Illinois, Inc., Pegasus Satellite Television, Inc., Portland Broadcasting, Inc., Primewatch, Inc., PST Holdings, Inc., South Plains DBS, LP., Telecast of Florida, Inc., WDSI License Corp., WILF, Inc., WOLF License Corp., and WTLH License Corp.

II. Jurisdiction.

This is a core matter, in its entirety, on which the bankruptcy court will enter final judgment.

III. Disclosures.

The parties waive initial disclosures, except for the disclosure of expert witnesses, if any.

IV. Expert Designations.

Gatelix shall have until May 31, 2005 to make initial disclosures of expert witnesses, if any. The Debtors shall have until June 30, 2005 to make initial disclosures of any expert witnesses. Each party's expert disclosure shall include the data or other information considered by the witness in forming the testimony; any exhibits to be used as a summary of or support for the testimony; the qualifications of the witness; the compensation paid or to be paid to the expert witness; and copies of any reports prepared by the expert. All reasonably anticipated objections to the testimony and all motions to limit testimony of an expert witness identified by an opposing party as an expert shall be filed with the court and served on the opposing parties within 10 days after the receipt of the expert designation required by this paragraph.

V. Discovery.

Discovery will be completed on or before August 1, 2005. Discovery shall be initiated sufficiently in advance of the deadline so as to be timely completed by the deadline. (The court will independently review the discovery deadline set by the parties and may shorten or extend it when endorsing this pleading, with or without prior notice.)

VI. Stipulation.

The parties, through counsel, shall engage in a good faith effort to stipulate to all facts and legal issues as to which there is no actual dispute. Counsel shall prepare a written stipulation, signed by all counsel, in a form satisfactory to permit the document to be marked as an exhibit and offered in evidence at trial. All stipulations shall be filed with the Court no later than August 31, 2005.

VII. Joint Pretrial Memorandum.

The parties shall file a Joint Pretrial Memorandum outlining legal issues pertinent to the case. To the extent they disagree as to controlling legal authority, the joint pretrial

memorandum shall include a statement on each contested legal issue, detailing support for each party's position. To the extent the parties are not in agreement as to factual issues, the joint pretrial memorandum shall include a statement of each party's pertinent factual contentions and a summary statement of the evidence to be offered in support of each contention. The exhibit list and witness list required by this Order must be incorporated into the Joint Pretrial Memorandum. Gatelinx is responsible for circulating a draft of the proposed pretrial memorandum to all parties sufficiently in advance of the filing deadline so as to permit all other parties adequate time to review and respond to Gatelinx's proposals. Other parties are responsible for timely providing pertinent information regarding facts, evidence and legal authority for their defenses and claims. After circulation and review, the parties shall file the joint pretrial memorandum no later than September 30, 2005.

VIII. Exhibits/Witnesses/Experts.

(a) Exhibits. During preparation of the Joint Pretrial Memorandum, all parties are to premark and exchange copies of the exhibits they reasonably anticipate offering at trial. In the absence of objection served and filed within 30 days of service, such exhibits will be received in evidence without further authentication. Pre-marking shall consist of clearly designating each proposed exhibit in the order of its probable presentation at trial. Gatelinx's proposed exhibits shall be designated by number; Debtors' proposed exhibits shall be designated by letter. Copies of proposed exhibits shall be accompanied by a list of the exhibits with a brief identification of each. The exhibit list shall be included in the Joint Pretrial Memorandum.

(b) Witnesses/Experts. In preparing the Joint Pretrial Memorandum, the parties are to exchange the names of all witnesses they intend to present at trial, together with a brief summary of the area of testimony each witness will address. The filing(s) may incorporate previously-made disclosures. All reasonably anticipated objections to the testimony and all motions to limit testimony of a witness identified by an opposing party shall be filed with the court and served on the opposing parties within 15 days after service of the witness list required by this paragraph. **NOTE:** Designation of a non-party witness on an opponent's list of witnesses does not relieve a party of assuring the presence of that witness at trial if his or her testimony is desired.

IX. Compliance.

Failure to comply with the provisions of this order may result in the imposition of sanctions, monetary and non-monetary, including, without limitation, entry of an order denying the admission of exhibits, testimony of witnesses, or other appropriate sanctions where noncompliance has caused undue delay, expense and/or prejudice.

X. Final Pretrial Conference. At the close of discovery Gatelinx's counsel shall schedule and initiate a final pretrial conference. The parties shall be prepared to discuss all matters relating to trial at the final conference, including, without limitation a schedule submission of pretrial motions and motions for summary judgment, the estimated length of trial and date for trial.

XII. Alternative Dispute Resolution. Unless one or more of the parties requests it do so sooner, the court will consider alternative dispute resolution with the parties in the course of the final pretrial conference.

Dated: March 1, 2005

/s/ Regan M. Horney  
Counsel for Gatelinx, Corp.

Dated: March 1, 2005

/s/ Paul Caruso  
Counsel for Debtors

ENDORSED AND ENTERED as an ORDER of the COURT

\_\_\_\_\_  
U.S. Bankruptcy Judge

\_\_\_\_\_  
Date