

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE

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

**ORDER ESTABLISHING CASE MANAGEMENT PROCEDURES AND HEARING SCHEDULE**

This matter comes before the Court on its own motion, and at the suggestion of the debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the "Debtors")<sup>1</sup>, to Establish Case Management Procedures and Hearing Schedule in the Debtors chapter 11 cases. The Court has determined that, because of the great number of creditors and other parties in interest in the above-captioned chapter 11 cases (the "Pegasus Chapter 11 Cases"), burdensome expense and unnecessary delay will result unless certain procedures for copying, noticing and motion practice are implemented. It further appears that the implementation of such procedures is warranted pursuant to Sections 102(1) and 105(a) of title 11 of the United States Code (the "Bankruptcy Code"), Rules 2002, 7016, 9007 and 9014 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and the District of Maine Local Bankruptcy Rules (the "Local Rules"). Accordingly, it is hereby ORDERED as follows:

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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.

## **A. Service of Filings**

1. Notices required to be given pursuant to paragraphs 3-6 of this section shall be given (except as provided below) to (a) those parties listed on Exhibit A hereto and the counsel to any other official committee appointed in the Pegasus Chapter 11 Cases (collectively, the "Core Group Service List"), and (b) parties in interest who (i) serve on Bernstein, Shur, Sawyer & Nelson, P.A., Maine counsel for the Debtors (at the address listed on Exhibit A) a request, pursuant to Rule 2002 of the Bankruptcy Rules, that they receive all pleadings served in the Pegasus Chapter 11 Cases, and (ii) file such request with the Clerk of the Bankruptcy Court (such parties, together with the Core Group Service List, the "All Notices List"). If a party wishes to substitute a name on Exhibit A (as a result of, for instance, a change in the appropriate contact person at a firm or a change in the membership of a committee), such change shall be communicated in writing to each of the other parties on Exhibit A at the addresses set forth therein, and Exhibit A shall be deemed amended upon receipt of such writing.

2. All service need only be made by regular mail to the party's last known address except in emergency situations when e-mail, overnight mail or facsimile may be necessary (for instance, to meet notice period deadlines), and except as otherwise indicated herein.

3. All filings in adversary proceedings shall be served, pursuant to Bankruptcy Rule 7004, upon all parties known to have particularized interest in the subject of such adversary proceeding and the parties listed on the Core Group Service List. All filings not part of adversary proceedings shall be served, pursuant to Bankruptcy Rule 7004, upon all parties known to have particularized interest in the subject of such filings and the parties listed on the All Notices List.

4. All notices required by subdivisions (a)(2), (3) and (6) of Bankruptcy Rule 2002 and by Bankruptcy Rule 4001 shall be served as follows:

a. upon each entity designated on the All Notices List;

b. when the notice is of a proposed use, sale, lease or abandonment of property or of a hearing thereon, upon (i) each entity known to the Debtors to claim a lien, security interest, or other interest in the property and (ii) each entity designated to the All Notices List;

c. when the notice relates to relief from the automatic stay, use of cash collateral, or obtaining credit, upon (i) those parties required in accordance with Bankruptcy Rule 4001, and (ii) each entity designated on the All Notices List;

d. when the notice is of a proposed compromise or settlement or of a hearing thereon, upon (i) those parties to the proposed compromise or settlement and (ii) each entity designated on the All Notices List, and, in addition, if the compromise or settlement involves claims subject to insurance coverage or asserted to be subject to insurance coverage, notice shall also be given to the insurance company providing coverage, any additional insured, and other insurance companies that are known to the Debtors and that have issued policies whose coverage will be affected by the motion;

e. when the notice relates to motions to assume, reject, or assign an executory contract or unexpired lease, upon (i) each contracting party to the contract or lease and (ii) each entity designated on the All Notices List; and

f. when the notice is of a hearing on a application for compensation or reimbursement of expenses, as required by the Court's Order under 11

U.S.C. §§ 331 and 105 Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals, dated as of June 24, 2004.

5. Notices required by subdivision (a) (5) and (7); subdivision (b); and subdivision (f) of Bankruptcy Rule 2002 shall be mailed to each entity on the All Notices List and to all creditors, indenture trustees, and equity security holders.

6. All other notices not addressed in paragraphs 3-5 above shall be served upon each entity on the All Notices List and to any entity known to have a particularized interest in the subject of the notice.

7. Notice in accordance with the provisions of this Order shall be deemed adequate pursuant to Bankruptcy Rule 2002 and the Local Rules.

8. Certificates or affidavits of service should state the full title of the motion, notice, application, objection, or other document that it relates to, as well as the date of service, the means of service (e.g., regular U.S. Mail, Federal Express, hand delivery, facsimile, etc.) and the parties served. Certificates or affidavits of service should not restate the names and addresses of each party listed on the Core Group Service List or the All Notices List, but need only state that all parties on such list or lists (as applicable pursuant to this Order) have been served. All other parties not on such lists who have been served in accordance with this Order must be identified by name and address. Certificates of service shall not be attached to those pleadings sent to the Court in advance of hearings on such pleadings.

9. This Order shall supercede the Court's Order Establishing Notice and Service Requirements in Debtors' Chapter 11 Cases dated as of June 4, 2004.

10. Notwithstanding anything herein to the contrary, no additional service need be made upon any counsel or party receiving any filing pursuant to the

Electronic Case Filing (“ECF”) system, so long as the applicable pleading is served electronically.

**B. Motions, Objections, and Hearing Dates**

1. The procedures for motions and objections thereto shall be as follows:

a. Unless otherwise ordered by the Court, regular omnibus hearings will be scheduled in these cases at 10:30 a.m. prevailing Eastern time on the dates set forth on Exhibit B and thereafter on the third Thursday of every following month; and Exhibit B shall be amended on or before twenty-one (21) days prior to the last hearing date set forth thereon by the Debtor’s Counsel filing such amendment following consultation with the Scheduling Clerk (as herein defined), and each subsequent exhibit shall be similarly amended as required. Counsel for the Debtors, in cooperation with all parties that have matters pending, shall submit to Mary-Ellen Scott, the undersigned’s scheduling clerk (the “Scheduling Clerk”), an agenda (the “Final Agenda”) at least five (5) business days prior to each scheduled omnibus hearing date’ provided that an amended agenda may be filed within 48 hours of each scheduled omnibus hearing date. Unless otherwise ordered by the Court, all matters requiring a hearing (see paragraph B(1)(e) below) shall be heard at these omnibus hearings. Each Final Agenda shall be served upon the Core Group Service List and any other party with a particularized interest in a matter set forth on the Final Agenda by facsimile.

b. Motions and applications (each a “Motion” and, collectively, the “Motions”) shall be served on all entities that are required to be served pursuant to Section A of this Order above no less than fifteen (15) days prior to the date of the omnibus hearing set by the court, or such longer period as required by the Bankruptcy Code or Bankruptcy Rules, not taking into account the provisions of Bankruptcy Rule

9006(f). If a Motion is not served until fifteen (15) days prior to the date of a hearing, it shall be served on the Core Group Service List and any party with a particularized interest in the motion by e-mail, facsimile or overnight mail, except individual members of any committee, who shall receive such pleadings by regular mail. In accordance with the Local Rules, each Motion and notice thereof shall contain the objection date and time for the Motion, as well as a hearing date and time if a hearing on the Motion is necessary as a result of an objection.

c. Each notice of hearing shall comply with the requirements set forth in the Local Rules and shall state that any objections must be filed and served upon Core Group Service List.

d. Any objections to, or requests for a hearing on a Motion must be filed in accordance with the Local Rules and applicable administrative procedures and served upon the moving party and the Core Group Service List by regular mail, overnight mail, e-mail, hand delivery or facsimile by 4:00 p.m. (Portland, Maine) no earlier than ten (10) days from the date of service of the Motion and no later than three (3) business days prior to the date of the hearing, except in cases where a Motion has been filed on shortened notice, in which case parties shall have a reasonable period to respond, with the intent that parties shall be afforded five (5) days to respond if possible.

e. Unless otherwise ordered by the Court, upon good cause shown, briefs in support of or in response to Motions initiating contested matters shall not exceed fifteen (15) pages, and brief in reply shall not exceed five (5) pages.

f. If the parties in interest fail to timely object or to request a hearing on the Motion, the Court may grant the Motion after the period to object or request a hearing has passed in accordance with the Local Rules. On the Final Agenda, the

Debtors shall specify the Motions for which the period to object or request a hearing has passed without such an objection and request and, as a result, for which no hearing will be required. In addition, any objections to, or requests for hearings on, any Motion shall reference the docket number of the Motion in the titles of such objection or request for hearing.

g. If a response or objection is timely filed, replies to such response or objection may be filed so long as such replies are filed and served on the parties on the Core Group Service list by e-mail, hand delivery or facsimile no later than one (1) business day prior to the hearing date; provided, however, that the period to file a reply shall not extend beyond the 5<sup>th</sup> business day after the date such response or objection is received.

h. Nothing herein shall modify the requirements of Rule 9013-1(i), 9013(j) and 9013(k) of the Local Rules, or prevent a party in interest from requesting a hearing date on one of the Court's regularly scheduled chapter 11 hearing dates.

**C. Procedure for Filing of Papers**

All pleadings in the Pegasus Chapter 11 Cases shall be filed in the place and manner as specified by the Local Rules and the guidelines and directives of the Clerk of the Court, including the requirements set forth for ECF.

**D. Continuances**

With respect to matters not heard on omnibus hearing dates, a request or a stipulation for the continuance of a hearing must be in writing and must be filed with the Court three (3) business days in advance of the scheduled hearing. Any written request for the continuance of a hearing must be accompanied by a proposed form of order. Any party receiving an order granting a continuance will serve a copy of the

order on all affected parties required to be served by the terms of this Order. Unless an order granting a continuance has been entered, counsel for the moving and any responding party shall appear at the scheduled hearing.

**E. Telephonic Hearings**

Participation in hearings telephonically is not encouraged, and will not be permitted absent prior approval by the Court; provided that a Motion seeking relief on expedited basis shall be set initially for a telephonic hearing and based upon such telephonic hearing the Court will then schedule a hearing date in accordance with the Bankruptcy Rules, the Local Rules and any Orders entered in the Pegasus Chapter 11 Cases, if necessary. Parties in interest desiring to participate telephonically in a hearing must file with the Court, no less than five (5) business days before the hearing, a written request to participate in such hearing telephonically. The requesting party must serve the written request upon the Scheduling Clerk and counsel for the Debtors. The written request must state the particularized basis for the request, the time and date of the scheduled hearings, and the specific matter on which the requesting party wishes to be heard. Where only one party is requesting a telephonic appearance, such party will contact the Scheduling Clerk to obtain the number to dial to connect the requesting party to the hearing. Upon obtaining permission from the Court to participate telephonically, such party must promptly notify counsel to the Debtors of such permission. Where more than one party has been given permission to participate at the hearing telephonically, counsel to the Debtors will provide the Scheduling Clerk with a dial-in toll-free number for such parties to dial to connect to the hearing and shall make arrangement with the Court to connect such parties to the hearing. Parties attending a hearing telephonically may not participate in the taking of any evidence at such hearing.



**F. Disposition of Matters**

Unless arrangements are made in advance with the Court for a testimonial hearing, and the relevant matter is noticed as a testimonial hearing, most matters presented to the Court at a hearing will be resolved on the papers, following argument from counsel as the Court deems appropriate. In the event that a matter presented to the Court cannot be resolved on the papers, and has not been previously set as a testimonial hearing, then the matter will be scheduled for a further hearing at an appropriate date and time.

**G. Proposed Order**

A proposed form of order shall be submitted as a separate document with any pleading in any adversary proceeding or contested matter.

**H. Communications with the Court**

Parties will communicate with the Court regarding substantive matters affecting these cases or proceeding herein only through written motions or other papers filed in accordance with the Local Rules as modified by this Order. Letters written to the Court will be returned to the sender. Except as expressly provided in this Order or in the Local Rules as to matters of scheduling, or as may be directed by the Court, *ex parte* communications with the Court are strictly prohibited.

**I. Bankruptcy Rule 9006(a) and Local Rules**

All time periods and deadlines set forth herein shall be computed in accordance with Bankruptcy Rule 9006(a). In addition, the Local Rules shall apply to all proceedings in the Pegasus Chapter 11 Cases except to the extent that any provision of this Order by its terms supersedes or is inconsistent with the Local Rules.

**J. Term of This Order**

Any party may at any time apply for reconsideration or modification of this Order, or relief from this Order as to a particular matter or proceeding. Service of such motion shall be to persons on the All Notices List and shall be made upon at least twenty-one (21) days notice. The court may amend this Order at any time. Without modifying or amending this Order, the Court may, on request of a party or on its own motion, add or delete parties from the All Notices List.

This Order shall continue in effect until modified by further order of this Court.

Dated: July \_\_\_\_, 2004

\_\_\_\_\_  
The Honorable James B. Haines, Jr.  
United States Bankruptcy Judge

EXHIBIT A

**COMMITTEE OF UNSECURED CREDITORS**

|   |  |
|---|--|
| <p>Wachovia Bank, National Association, as Trustee<br/>John T. Vian, Esq.<br/>Barbara Ellis-Monro, Esq.<br/>Smith, Gambrell &amp; Russell, LLP<br/>1230 Peachtree Street, N.E., Suite 3100<br/>Atlanta, GA 30309<br/>bellis-monro@sgrlaw.com*<br/>jvian@sgrlaw.com*</p> | <p>J.P. Morgan Trust Company, National Association<br/>James R. Lewis, Vice President<br/>4 New York Plaza, 15<sup>th</sup> Floor<br/>New York, NY 10004<br/>james.r.lewis@jpmorgan.com*</p> |
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July 22, 2004  
August 19, 2004  
September 23, 2004  
October 14, 2004  
November 24, 2004  
December 16, 2004  
January 19, 2005  
February 17, 2005  
March 24, 2005  
April 28, 2005  
May 20, 2005  
June 29, 2005  
July 21, 2005