



providing the United States Trustee with the applicable Debtors' most recent 941 quarterly payroll returns; and x) providing the United States Trustee with a chart of accounts.

- **Motion to pay pre-petition wages.** The United States Trustee does not object to this motion, provided that no employee receives more than the \$4,650 (or updated) maximum prescribed by section 507(a) (3) and (4);
- **Motions for authorization to pay certain pre-petition taxes, to continue performing under support services agreement with Pegasus Communications Management Company, to honor certain pre-petition customer obligations and to pay pre-petition, non-debtor dealer claims.** The United States Trustee does not object to these motions, provided that the Debtors can demonstrate (by proffer or otherwise) that their being granted will promote reorganization for preferred and non-preferred creditors consistent with section 363(b)(1). *See In re KMart*, 359 F.3d 866, 873 (7th Cir. 2004) (stating that “[p]refiling debts are not administrative expenses; they are the antithesis of expenses . . . .” and that discriminatory treatment of similarly situated creditors is possible “only if the record shows the prospect of benefit to other creditors . . . .”);
- **Applications to retain Bernstein, Shur, Sawyer & Nelson, P.A. and Sidley Austin Brown & Wood, LLP as Debtors’ counsel.** The United States and the Debtors have agreed that the United States Trustee will have until June 11, 2004 to object to these applications for any reason;<sup>1</sup>
- **Utility motion.** No objection.

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<sup>1</sup> *See* 11 U.S.C. § 327(a); *Rome v. Braunstein*, 19 F.3d 54, 57 – 58 (1st Cir. 1994) (analyzing professional employment qualifications under section 327(a)); *In re Pillowtex, Inc.*, 304 F.3d 246, 255 (3rd Cir. 2002) (remanding for a determination whether professional had received a preference and was therefore disqualified from serving under 11 U.S.C. § 327(a), stating that “[w]e hold that when there has been a facially plausible claim of a substantial preference, the district court and/or the bankruptcy court cannot avoid the clear mandate of the statute by the mere expedient of approving retention conditional on a later determination of the preference issue . . . .”).

Respectfully submitted,

PHOEBE MORSE

United States Trustee

By: /s/ Eric K. Bradford  
Eric K. Bradford BBO#560231  
Robert Checkoway  
Assistant United States Trustee  
United States Department of Justice  
J. Brown Building  
537 Congress Street, Suite 303  
Portland, ME 04101  
(207) 780-3564

Dated: June 4, 2004.

**CERTIFICATE OF SERVICE**

I certify that on June 4, 2004, a true and correct copy of the UNITED STATES TRUSTEE'S OMNIBUS STATEMENT REGARDING CERTAIN FIRST DAY MOTIONS was served via ECF upon the individuals listed below and others registered with the Clerk.

PHOEBE MORSE

United States Trustee

By: /s/ Eric K. Bradford  
Eric K. Bradford BBO#560231  
Robert Checkoway  
Assistant United States Trustee  
United States Department of Justice  
J. Brown Building  
537 Congress Street, Suite 303  
Portland, ME 04101  
(207) 780-3564

Dated: June 4, 2004.

**Robert Keach, Esq.**

Bernstein, Shur, Sawyer & Nelson  
100 Middle Street, 6th Floor  
P.O. Box 9729  
Portland, ME 04104-5029

**Ellen Moring, Esq.**

Sidley Austin Brown & Wood LLP  
787 Seventh Avenue  
New York, NY 10019  
(Debtors' Counsel)

Benjamin E. Marcus, Esq.  
Drummond Woodson & MacMahon  
245 Commercial Street  
Portland, ME 04104-5081