

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

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

**MOTION FOR ENTRY OF AN ORDER PERMITTING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO FILE A MEMORANDUM OF LAW IN SUPPORT OF GLOBAL SETTLEMENT IN EXCESS OF FIFTEEN PAGES (REQUEST FOR IMMEDIATE ACTION WITHOUT A HEARING INCLUDED)**

The Official Committee of Unsecured Creditors (the “Committee”) of Pegasus Satellite Television, Inc. and its affiliated debtors (collectively, the “Debtors”), by and through its undersigned counsel, hereby moves (the “Motion”) this Court for entry of an order permitting the Committee to file a memorandum of law (the “Memorandum”) in excess of fifteen (15) pages in support of the Debtors’ Motion for Entry of an Order Pursuant to 11 U.S.C. §§ 105(a), 363 and 1146(c) and Bankruptcy Rule 9019 (I) Approving Global Settlement Agreement by and Among the Debtors and Debtors in Possession, Pegasus Communications Corporation and Other Non-Debtor Affiliates, DIRECTV, Inc., the DIRECTV Group, Inc., National Rural Telecommunications Cooperative, and the Official Committee of Unsecured Creditors, and (II) Authorizing and Approving in Connection Therewith a Sale, Transfer and Conveyance of Certain Assets of the Debtors to DIRECTV, Inc. (the “Global Settlement Motion”). In support of this Motion, the Committee respectfully represents as follows:

## **BACKGROUND**

1. On June 2, 2004 (the “Petition Date”), each of the Debtors filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”).
2. The Debtors continue to operate their businesses and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.
3. On June 10, 2004, pursuant to section 1102 of the Bankruptcy Code, the United States Trustee for the District of Maine appointed the Committee.<sup>1</sup>
4. On or about July 9, 2004, this Court entered into an Order Establishing Case Management Procedures and Hearing Schedules (the “Case Management Order”). The Case Management Order provides that “unless otherwise ordered by the Court, upon good cause shown, briefs in support of ... [m]otions initiating contested matters shall not exceed fifteen (15) pages.” See Case Management Order ¶ B (1) (e) (Docket Number 325).
5. On or about August 3, 2004, the Debtors filed the Global Settlement Motion
6. On or about August 4, 2004, D.E. Shaw Laminar Portfolios, L.L.C. filed an objection to the Global Settlement Motion (the “Objection”).

## **JURISDICTION**

7. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

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<sup>1</sup> The Committee is comprised of the following entities: Wachovia Bank, NA, as Indenture Trustee; J.P. Morgan Trust Company, NA, as Indenture Trustee; HSBC Bank USA, as Indenture Trustee; D.E. Shaw Laminar Portfolios, LLC; Singer Children’s Management Trust and affiliates; LC Capital Master Fund, Ltd.; and Silver Point Capital and affiliates.

### **RELIEF REQUESTED**

8. The Committee requests entry of an order permitting the Committee to file its Memorandum in excess of fifteen pages in length.

### **BASIS FOR RELIEF REQUESTED**

9. The Case Management Order provides that a brief in support of a motion initiating contested matters shall not exceed fifteen pages in length, except by permission of the Court and upon a motion supported by good cause.

10. The Committee intends to file its Memorandum on or before the deadline to object to the Global Settlement Motion, which is August 20, 2004.

11. The Committee submits that every effort will be made to keep the Memorandum as brief as possible. However, due to (i) the complexity of the Global Settlement, which encompasses no less than four lengthy agreements involving five parties in interest, (ii) the numerous factual and legal issues to be addressed with respect to the Global Settlement Motion and the Objection and (iii) the critical nature of the relief requested in the Motion and the impact of such relief on these estates and their creditors, the Memorandum is anticipated to exceed fifteen (15) pages. Given these circumstances, the Committee submits that there are extraordinary and compelling reasons to permit the Memorandum to exceed fifteen pages, and that good cause has been shown therefore.

12. No previous request for the relief sought herein has been made to this Court or any other court.

13. This Motion will be served in accordance with the Case Management Order. Because of the routine, non-adversarial nature of the relief requested in this motion, the Committee requests that the Court consider and rule on this Motion without any further notice or hearing in accordance with D. Me. LBR 9013-1(g)(i).

**WHEREFORE**, the Committee respectfully requests that the Court (i) enter an order permitting the Memorandum to exceed fifteen (15) pages and (ii) grant the Committee such other further relief as is just and proper.

Dated: Portland, Maine  
August 18, 2004

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE**

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

**CERTIFICATE OF SERVICE**

I, Michelle S. Pottle, being over the age of 18 and an employee of Pierce Atwood, hereby certify that on August 18, 2004 I caused the Motion for Entry of an Order Permitting the Official Committee of Unsecured Creditors to File a Memorandum of Law in Support of Global Settlement in Excess of Fifteen Pages (Request for Immediate Action Without a Hearing Included) and the Proposed Order Permitting the Official Committee of Unsecured Creditors to File a Memorandum of Law in Support of the Global Settlement in Excess of Fifteen Pages to be served on the parties listed by verifying that such person(s) are listed on the Electronic Mail Notice List kept by the Clerk's office and therefore will be served as part of the Electronic Case Filing ("ECF") system pursuant to the Standing Order Regarding Administrative Procedures for Electronically Filed Cases dated August 12, 2003, and entered in the U.S. Bankruptcy Court for the District of Maine. Persons who will be served as part of the ECF System are designated in the "ECF Filing" section of the service list. I did not cause service to be made on the persons shown in the "ECF Filing" section. All other persons were served via first class mail, postage prepaid.

Dated: Portland, Maine  
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