



SO ORDERED,

Judge Neil P. Olack
United States Bankruptcy Judge
Date Signed: December 19, 2014

The Order of the Court is set forth below. The docket reflects the date entered.

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

IN RE:

**MARITIME COMMUNICATIONS/
LAND MOBILE, LLC,**

CASE NO. 11-13463-NPO

DEBTOR.

CHAPTER 11

**ORDER DENYING SKYTEL PARTIES'
AMENDED COUNTER-MOTION TO DISMISS AS A
MATTER OF LAW SOUTHERN CALIFORNIA REGIONAL
RAIL AUTHORITY'S MOTION TO CONFIRM MARITIME
COMMUNICATIONS/LAND MOBILE LLC'S AUTHORITY TO ASSIGN
LICENSE TO SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY**

This matter came before the Court for hearing on December 8, 2014 (the "Hearing") on the Skytel Parties' Amended Counter-Motion to Dismiss as a Matter of Law Southern California Regional Rail Authority's Motion to Confirm Maritime Communications/Land Mobile LLC's Authority to Assign License to Southern California Regional Rail Authority (the "Counter-Motion") (Dkt. 1225) filed by 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"); and the Southern California Regional Rail Authority's Response to Skytel Parties' Amended Motion to Dismiss as a Matter of Law Motion to Confirm Maritime

Communications/Land Mobile, LLC's Authority to Assign License to Southern California Regional Rail Authority (Doc. No. 1225) (Dkt. 1230) filed by Southern California Regional Rail Authority ("SCRRA") in the above-referenced bankruptcy case. The Counter-Motion mirrors the Skytel Parties' Amended Objection to Southern California Regional Rail Authority's Motion to Confirm Maritime Communications/Land Mobile LLC's Authority to Assign License to Southern California Regional Rail Authority (the "Objection") (Dkt. 1223) filed by Skytel in opposition to the Southern California Regional Rail Authority's Motion to Confirm Maritime Communications/Land Mobile, LLC's Authority to Assign License to Southern California Regional Rail Authority and for Other Relief (Dkt. 1205) filed by SCRRA. At the Hearing, Jim F. Spencer, Jr. represented SCRRA, Edward J. Currie, Jr. represented Skytel, Craig M. Geno represented Maritime Communications/Land Mobile LLC, and Derek F. Meek represented Warren Averett, LLC.

SkyTel filed the Counter-Motion pursuant to Rule 7(b)(3) of the Local Uniform Civil Rules of the United States District Courts for the Northern District and the Southern District of Mississippi ("Rule 7(b)(3)"), which provides that a "separate response must be filed as to each separately docketed motion" and further provides that a "response to a motion may not include a counter-motion in the same document." L. U. Civ. R. 7(b)(3)(B)-(C), *available at* <http://www.mssd.uscourts.gov>. The District Court's local rules, however, are distinct from the Uniform Local Rules of the United States Bankruptcy Courts for the Northern and Southern Districts of Mississippi, which govern bankruptcy practice and procedure and do not require or refer to a "counter-motion."

SkyTel urges this Court to adopt Rule 7(b)(3) to fill in a "gap" in the Bankruptcy Court's local rules. The Court, however, finds no such defect. This is a contested matter under Rule

9014 of the Federal Rules of Bankruptcy Procedure (“Rule 9014”) as opposed to an adversary proceeding under Federal Rule of Bankruptcy Procedure 7001. Part VII of the Federal Rules of Bankruptcy Procedure contains the rules regarding motion practice in adversary proceedings and generally does not apply to contested matters with certain exceptions. *See* FED. R. BANKR. P. 9014(c) (listing Part VII rules that apply in a contested matter). Allowing counter-motions to be filed in contested matters would conflict impermissibly with Rule 9014(c), result in duplicative pleadings and increased litigation costs, and place an unnecessary burden on this Court.

Even if the Court were to apply Rule 7(b)(3) of the District Court’s local rules to this matter, a counter-motion would not be necessary under these facts where SkyTel does not request relief in the Counter-Motion separate from the Objection. For all of the above reasons, the Court finds that the Counter-Motion should be denied without prejudice to Skytel’s right to prosecute the Objection.

IT IS, THEREFORE, ORDERED that the Counter-Motion hereby is denied without prejudice to the Objection.

##END OF ORDER##