

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO. 1584CV03118-BLS2

NORTH AMERICAN CATHOLIC EDUCATIONAL
PROGRAMMING FOUNDATION, INC., et al.,

Plaintiffs/Counterclaim Defendants,

v.

CLEARWIRE SPECTRUM HOLDINGS II
LLC, et al.,

Defendants/Counterclaim Plaintiffs.

SUFFOLK SUPERIOR COURT
CIVIL CLERK/CLERK
2016 JAN 27 AM 10:37
MICHAEL JOSEPH CONROY
CLERK/HADISTRATE

**JOINT MOTION TO MODIFY PRELIMINARY INJUNCTION
ORDER DATED NOVEMBER 4, 2015**

Plaintiffs/Counterclaim Defendants North American Catholic Educational Programming Foundation, Inc., Instructional Telecommunications Foundation, Inc., Portland Regional Educational Telecommunications Corporation, Denver Area Educational Telecommunications Consortium, Inc., Chicago Instructional Technology Foundation, Inc., and Twin Cities Schools' Telecommunications Group, Inc. (collectively, "Plaintiffs") and Defendants/Counterclaim Plaintiffs Clearwire Spectrum Holdings II LLC, Clearwire Legacy LLC, f/k/a Clearwire Corporation, and Sprint Spectrum L.P. (collectively, "Defendants") hereby respectfully request that the Court modify its Order dated November 4, 2015, granting plaintiffs' application for a preliminary injunctive ("Initial Order"), and in support thereof state as follows:

1. Plaintiffs filed their Verified Complaint on October 14, 2015.
2. Plaintiffs filed their Emergency Motion for a Preliminary Injunction on October

Allowed
Andrew
1/29/16

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v.)

CLEARWIRE SPECTRUM HOLDINGS II)
LLC, et al.,)

Defendants/Counterclaim Plaintiffs.)

**[PROPOSED] ORDER GRANTING THE PARTIES' JOINT MOTION
TO MODIFY ORDER DATED NOVEMBER 4, 2015**

Having considered the parties' Joint Motion to modify this Court's Order dated November 4, 2015 granting plaintiffs' application for a preliminary injunction ("Initial Order"), the Court hereby orders that this motion is GRANTED, in accordance with the following:

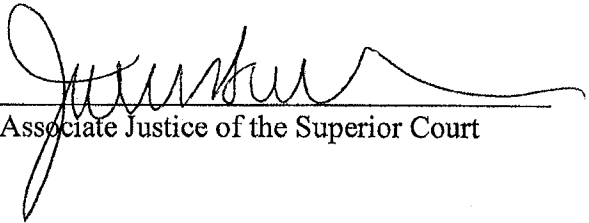
- (1) Paragraph A of the Initial Order shall be extended until 11:59 pm ET on March 31, 2016 ("End Date") by which time it is expected that the LTE transition is to be completed and after which date, subject to the terms and conditions herein, the WiMAX network will be decommissioned.
- (2) Paragraphs B and C of the Initial Order shall remain in full force and effect until the earlier of a final adjudication in the instant case, including any appeals thereof, or as otherwise agreed to by the parties.

- (3) Notwithstanding Paragraph 1 hereof, so long as Defendants are otherwise in compliance with the terms and conditions of this Order, and any non-compliance with this Order by Defendants has not materially impeded or delayed the ability of plaintiffs to transition Educational End Users from WiMAX to LTE, Defendants may decommission the WiMAX network in accordance with Schedules A and B attached hereto.
- (4) Except as otherwise set forth herein, the Initial Order shall expire on the End Date subject to Sprint's compliance with its obligations under this Order.
- (5) Nothing in this Order shall prejudice, affect, or waive any of the parties' respective claims, counterclaims, positions, appeals, or defenses, or the right to seek compliance with, or, an extension or modification of, this Order.

SO ORDERED

Dated: _____

1/29/10



Associate Justice of the Superior Court