

NOTIFY

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

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

NORTH AMERICAN CATHOLIC EDUCATIONAL)
PROGRAMMING FOUNDATION, INC.,)
CHICAGO INSTRUCTIONAL TECHNOLOGY)
FOUNDATION, INC., DENVER AREA)
EDUCATIONAL TELECOMMUNICATIONS)
CONSORTIUM, INC., INSTRUCTIONAL)
TELECOMMUNICATIONS FOUNDATION, INC.,)
PORTLAND REGIONAL EDUCATIONAL)
TELECOMMUNICATIONS CORPORATION AND)
TWIN CITIES SCHOOLS')
TELECOMMUNICATIONS GROUP, INC.,)

Plaintiffs,

v.

CLEARWIRE SPECTRUM HOLDINGS II LLC,)
CLEARWIRE LEGACY LLC, f/k/a CLEARWIRE)
CORPORATION and SPRINT SPECTRUM L.P.,)

Defendants.



CHARLES JOSEPH DONOVAN
CLERK/MAGISTRATE

2015 OCT 23 PM 2:36

SUFFOLK SUPERIOR COURT
CIVIL ACTION NO. 1584CV03118-BLS2

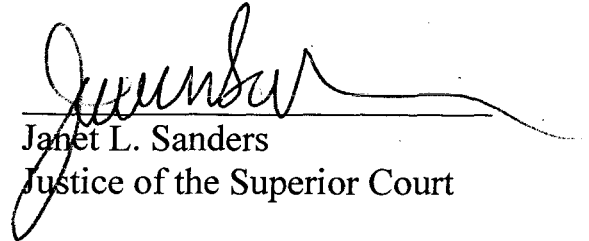
*Allmond (see endorsement on back)
5/14/11
[Signature]*

PLAINTIFFS' EMERGENCY MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Mass. R. Civ. P. 65(b), Plaintiffs North American Catholic Educational Programming Foundation, Inc. ("NACEPF"), Instructional Telecommunications Foundation, Inc. ("ITF"), Portland Regional Educational Telecommunications Corporation ("PRETC"), Denver Area Educational Telecommunications Consortium, Inc. ("DAETC"), Chicago Instructional Technology Foundation, Inc. ("CITF"), and Twin Cities Schools' Telecommunications Group, Inc. ("TCSTG") (together, the "Plaintiffs") move for a preliminary relief against Defendants Clearwire Spectrum Holdings II LLC, Clearwire Legacy LLC, f/k/a Clearwire Corporation, and Sprint Spectrum L.P. (together, the "Defendants"), their agents, servants, employees and attorneys, directing Defendants to maintain (and not terminate) the Internet service, modem deliveries, and

NOTIFY

Motion is **ALLOWED**: (see Order): Plaintiffs have demonstrated a strong likelihood of success on the merits. The balance of harms also favors plaintiffs. This Court's intent is to put plaintiffs in that position that they would occupy under their existing agreements with Clearwire. It is not to impose affirmative obligations which cannot be feasibly complied with, or to require that Sprint: a) reactivate any parts of the WiMAX service which have already been shut down, or b) provide service which is better than that which ClearWire was contractually obligated to provide. A detailed Memorandum of Decision will be issued as soon as possible to explain further the Court's reasoning.


Janet L. Sanders
Justice of the Superior Court

Dated: November 4, 2015

support ser,
in Exhibit:

NOTIFY

COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
CASE NO. 1584CV03118-BLS2

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

Plaintiffs,

v.

CLEARWIRE SPECTRUM HOLDINGS II
LLC, et al.,

Defendants.

2015 OCT 30 PM 4:00
MAGISTRATE

*Denied for reasons stated in opposition.
11/4/15*

DEFENDANTS' EMERGENCY MOTION TO STAY CIVIL ACTION

Defendants Clearwire Spectrum Holdings II LLC, Clearwire Legacy LLC f/k/a Clearwire Corporation, and Sprint Spectrum L.P. (collectively, "Sprint"), by and through their undersigned counsel of record, hereby move the Court on an emergency basis for an order staying this civil action pending the parties' completion of a contractually-mandated informal dispute resolution process.

As grounds for this motion, Sprint submits the contemporaneously-filed memorandum of law and Affidavit of Patricia C. Tikkala, and states as follows:

1. On Wednesday, October 14, 2015, Plaintiffs 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

NOTIFY

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COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
CASE NO. 1584CV03118-BLS2

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

Plaintiffs,

v.

CLEARWIRE SPECTRUM HOLDINGS II
LLC, et al.,

Defendants.

2015 OCT 30 PM 4:00
MASSACHUSETTS
SUFFOLK COUNTY
CLERK OF SUPERIOR COURT
JULIE A. BROWN

**DEFENDANTS' EMERGENCY MOTION TO STRIKE CERTAIN
PORTIONS OF THE AFFIDAVITS OF JOHN PRIMEAU AND JOHN SCHWARTZ**

Defendants Clearwire Spectrum Holdings II LLC, Clearwire Legacy LLC f/k/a Clearwire Corporation, and Sprint Spectrum L.P. (collectively, "Sprint"), by and through their undersigned counsel of record, hereby move the Court on an emergency basis for an order striking certain portions of the affidavits of John Primeau ("Primeau Affidavit") and John Schwartz ("Schwartz Affidavit") that Plaintiffs 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") submitted contemporaneously with their October 23, 2015 Emergency Motion for a Preliminary Injunction.

As grounds for this motion, Sprint submits the contemporaneously-filed memorandum of law and states as follows:

Denied - although portions of affidavits (e.g. teachings) do appear to state legal conclusions, this court is fully capable of

determine which statements should be considered and what brought to give them. Tania Sander 11/4/15