

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

In re:)	
)	
MARITIME)	Case No. 11-13463-NPO
COMMUNICATIONS/LAND MOBILE,)	
LLC)	Chapter 11
)	
Debtor.)	

**ORDER DENYING MOTION AND
REQUEST FOR CERTIFICATION OF DIRECT APPEAL
TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**
(Dkt. ## 1044, 1061)

This matter came before the Court for hearing on May 2, 2013 (the “Hearing”) on the Motion and Request for Certification of Direct Appeal to the United States Court of Appeals for the Fifth Circuit, Docket No. 1044 (the “Motion”)¹ filed by Warren Havens, Skybridge Spectrum Foundation, Verde Systems LLC, Environmental LLC, Intelligent Transportation & Monitoring LLC, and Telesaurus Holdings GB LLC (collectively, “SkyTel”), and the Opposition to the Motion and Request for Certification of Direct Appeal to the United States Court of Appeals for the Fifth Circuit, Docket No. 1061 (the “Objection”) filed by Southeastern Commercial Finance, LLC (“SECF”). The Court, having considered the matter, finds that the Motion should be denied and the Objection should be sustained for the reasons set forth in the Court’s bench opinion delivered on the record on May 2, 2013 (the “Bench Opinion”).

1. On August 1, 2011, Maritime Communications/Land Mobile, LLC (the “Debtor”) filed a voluntary petition pursuant to Chapter 11, Title 11, United States Code, 11 U.S.C. § 101, *et seq* (the “Bankruptcy Code”).

¹ Unless otherwise defined herein, all defined terms shall have the meaning ascribed to such terms in the Motion.

2. On September 25, 2012, the Debtor filed its First Amended Plan of Reorganization, Docket No. 669 (the “Plan”).

3. On November 14, and November 15, 2012, the Honorable David W. Houston, III² conducted a confirmation hearing on the Plan.

4. On January 11, 2013, the Court entered its Order Confirming Plan of Reorganization, Docket No. 980 (the “Confirmation Order”).

5. Pursuant to the Confirmation Order, the Court confirmed the Plan.

6. On January 25, 2013, SkyTel filed its Notice of Appeal of the Confirmation Order, Docket No. 999, and on February 8, 2013, SkyTel filed its Notice of Appeal of the Order Denying SkyTel’s Motion to Exclude Testimony of the Debtor’s Alleged Expert, Robert J. Keller, Docket No. 995 (collectively the “Notices of Appeal” and the appeals commenced thereby, the “Appeals”).

7. Additionally, on March 12, 2013, SkyTel filed the Motion.

8. Pursuant to the Motion, SkyTel seeks an order certifying the Appeals to the United States Court of Appeals for the Fifth Circuit.

9. In support of the Motion, SkyTel argues that the Appeals

- a. involve a question of law as to which there is no controlling decision of the Fifth Circuit or of the Supreme Court of the United States;
- b. involve matters of public importance; and
- c. an immediate appeal may materially advance the progress of the case.

10. To certify a direct appeal to the Fifth Circuit, this Court must look to 28 U.S.C. § 158(d)(2). This statute provides four grounds for certification: (1) whether there is controlling

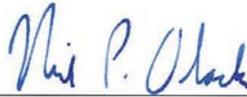
² This Bankruptcy Case was originally assigned to the Honorable David W. Houston, III, but was reassigned to the undersigned as of January 16, 2013, Docket No. 983.

precedent at the circuit or Supreme Court level; (2) whether the issue relates to a matter of public importance; (3) whether the order involves a question of law requiring resolution of conflicting decisions; (4) whether an immediate appeal from the order will materially advance the progress of proceeding. *In re MPF Holding US LLC*, 444 B.R. 719, 725 at n. 7 (Bankr. S.D. Tex. 2011).

11. For the reasons set forth more fully in the Bench Opinion, which opinion is hereby incorporated herein by reference, the Appeals do not satisfy any of these criteria. Accordingly, the Court will not certify the Appeals for a direct appeal pursuant to 28 U.S.C. § 158(d)(2).

IT IS, THEREFORE, ORDERED that the Motion is hereby denied and the Objection is hereby sustained for the reasons set forth in the Bench Opinion.

SO ORDERED.



Neil P. Olack
United States Bankruptcy Judge
Dated: June 12, 2013

APPROVED AS TO FORM AND SUBMITTED BY:

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APPROVED AS TO FORM:

/s/ Bill D. Bensinger
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