# UNITED STATES DISTRICT COURT
# WESTERN DISTRICT OF MISSOURI
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**Ann Thompson**
**Court Executive**

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**Springfield, MO 65806**

December 22, 2011


Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102-0360

Re: Remand of our Civil Case No. 11-4221-CV-C-NKL
Alma Communications Company, et al. v. Halo Wireless, Inc., et al.

Remand of our Civil Case No. 11-4218-CV-C-NKL
Alma Communications Company, et al. v. Halo Wireless, Inc.

Remand of our Civil Case No. 11-4220-CV-C-NKL
BPS Telephone Company, et al. v. Halo Wireless, Inc., et al.

To Whom It May Concern::

The above cases have been remanded to you pursuant to an order by the Honorable Nanette K Laughrey. Pursuant to Federal Rules of Civil Procedure 28 § 1447 we are enclosing a certified copy of the order of remand.

Sincerely,

By: /s/ J Russel

Enc.

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MIME-Version:1.0
From:ecfMOW.notification@mow.uscourts.gov
To:cmecf_atynotifications@mow.uscourts.gov
Bcc:
--Case Participants: Brian McCartney (bmccartney@brydonlaw.com,
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--Non Case Participants:
--No Notice Sent:

Message-Id:<3638156@mow.uscourts.gov>
Subject:Activity in Case 2:11-cv-04220-NKL BPS Telephone Company et al v. Halo
Wireless, Inc. Order on Motion to Remand
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Content-Type: text/html

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**U.S. District Court**

**Western District of Missouri**

I HEREBY ATTEST AND CERTIFY ON 12/22/11
THAT THE FOREGOING DOCUMENT IS A FULL TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE AND IN MY LEGAL CUSTODY.
ANN THOMPSON
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
BY _____ DEPUTY

## Notice of Electronic Filing

The following transaction was entered on 12/21/2011 at 9:39 AM CST and filed on 12/21/2011

**Case Name:** BPS Telephone Company et al v. Halo Wireless, Inc.
**Case Number:** 2:11-cv-04220-NKL
**Filer:**
**Document Number:** 41(No document attached)

**Docket Text:**

**ORDER entered by Judge Nanette Laughrey. Plaintiffs' motion to remand this case to the Missouri Public Services Commission ("the Commission") [Doc. # 11] is GRANTED for the reasons expressed in Orders granting remand in similar cases by the Middle District of Tennessee [Doc. # 35-1] and the District of South Carolina Bankruptcy Court, Bellsouth Telecomms., LLC v. Halo Wireless, Inc., No. 11-80162-dd (Bankr. D. S.C. filed Nov. 30, 2011). The Commission has the authority to regulate the subject matter of this dispute, and the Court does not have jurisdiction over Plaintiff's claims until the Commission has rendered a decision for the Court to review. To the extent Defendant argues that Plaintiffs' claims should first be decided by the FCC, this argument is mooted by the FCC's recent rulemaking decision rejecting Defendant's position and**

**reaffirming that the power to regulate these issues lies with state agencies. [Doc. # 40-1]. Plaintiffs' request for costs and attorney fees for wrongful removal is DENIED. The propriety of removal was a complicated issue of law that Defendant appears to have pursued in good faith. This is a TEXT ONLY ENTRY. No document is attached.(Kanies, Renea)**

**2:11-cv-04220-NKL Notice has been electronically mailed to:**

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**2:11-cv-04220-NKL It is the filer's responsibility for noticing the following parties by other means:**