

1 Alisa C. Lacey (#010571)
2 Josh Kahn (#026284)
3 **STINSON MORRISON HECKER LLP**
4 1850 N. Central Avenue, Suite 2100
5 Phoenix, Arizona 85004-4584
6 Tel: (602) 279-1600
7 Fax: (602) 240-6925
8 alacey@stinson.com
9 jkahn@stinson.com

10 Attorneys for Omega Defense Systems, Inc.

11 **IN THE UNITED STATES BANKRUPTCY COURT**

12 **FOR THE DISTRICT OF ARIZONA**

13 In re
14 OMEGA DEFENSE SYSTEMS, INC.
15 Debtor.

16 Chapter 11
17 Case No. 2-08-13372-CGC
18 Adv. No. 2:09-ap-00389-CGC

19 OMEGA DEFENSE SYSTEMS, INC.
20 Plaintiff,

21 **SECTION 542 COMPLAINT FOR
22 TURNOVER OF DEPOSIT AGAINST
23 FERMION**

24 vs.
25 FERMION COMMUNICATIONS, LLC
26 Defendant.

27 Plaintiff, Omega Defense Systems, Inc. (“Omega” or “Plaintiff”) is the Debtor in the above-
28 captioned matter. This adversary is commenced pursuant to Bankruptcy Rule 7001. For its
Complaint, Plaintiff hereby alleges as follows:

29 **JURISDICTION**

30 1. This Court has jurisdiction over this adversary proceeding under 28 U.S.C. §§ 1334 and
31 157, 11 U.S.C. §§ 1115 and 542.

32 2. This is a core proceeding within the meaning of 28 U.S.C. §§ 157(b)(2)(A), (E), and
33 (O).

1 DATED this 15th day of April, 2009.

2 **STINSON MORRISON HECKER LLP**

3
4
5 By: /s/ ACL, #010571

6 Alisa C. Lacey, Bar No. 010571
7 Josh Kahn, Bar No. 026284
8 1850 N. Central Avenue, Suite 2100
9 Phoenix, Arizona 85004-4584
10 Attorneys for Plaintiff Omega

11 COPY of the foregoing sent this 15th day of
12 April, 2009, to:

13 Wade M. Burgeson
14 ENGELMAN BERGER, PC
15 3636 North Central Avenue, Suite 700
16 Phoenix, AZ 85012
17 wmb@engelmanberger.com
18 *Attorneys for Fermion Communications,*
19 *LLC*

20 Jordan A. Kroop
21 SQUIRE SANDERS & DEMPSEY LLP
22 Two Renaissance Square
23 40 N Central Ave Ste 2700
24 Phoenix, AZ 85004-4498
25 Jkroop@ssd.com
26 *Attorneys for the Unsecured Creditors*
27 *Committee*

28 Jonathan E. Hess
Richard J. Cuellar
OFFICE OF THE U.S. TRUSTEE
230 N. 1st Avenue, Suite 204
Phoenix, AZ 85003-1706
jon.e.hess@usdoj.gov
ric.j.cuellar@usdoj.gov

29 /s/ Anne Charles