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5
6 Attorneys for Omega Defense Systems, Inc.

7 **IN THE UNITED STATES BANKRUPTCY COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 In re
10 OMEGA DEFENSE SYSTEMS, INC.,
11 Debtor.

Chapter 11
Case No. 2:08-bk-13372-CGC
Adv. No.

12
13 OMEGA DEFENSE SYSTEMS, INC.,
14 Plaintiff,
15 vs.
16 FERMION COMMUNICATIONS, LLC,
17 Defendant.

**NOTICE OF LODGING ORDER SETTING
EMERGENCY HEARING ON
APPLICATION FOR ORDER TO SHOW
CAUSE AGAINST FERMION FOR THE
FAILURE TO TURNOVER PROPERTY OF
THE ESTATE**

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21 **PLEASE TAKE NOTICE** that Debtor has this date lodged the proposed Order Setting
22 Emergency Hearing on Application for Order to Show Cause Against Fermion for the Failure to
23 Turnover Property of the Estate in the form attached hereto, relating to Docket Entry #2.
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1 DATED this 15th day of April 2009.

2 **STINSON MORRISON HECKER LLP**

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4
5 By: /s/ ACL, #010571

6 Alisa C. Lacey, Bar No. 010571
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11 COPY of the foregoing sent this 15th day of
12 April, 2009, to:

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/s/ Anne Charles

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9 **IN THE UNITED STATES BANKRUPTCY COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 In re
12 OMEGA DEFENSE SYSTEMS, INC.,
13 Debtor.

14 Chapter 11
15 Case No. 2:08-bk-13372-CGC
16 Adv. No.

17 OMEGA DEFENSE SYSTEMS, INC.,
18 Plaintiff,

19 **ORDER SETTING EMERGENCY HEARING**
20 **ON APPLICATION FOR ORDER TO SHOW**
21 **CAUSE AGAINST FERMION FOR THE**
22 **FAILURE TO TURNOVER PROPERTY OF**
23 **THE ESTATE**

24 vs.
25 FERMION COMMUNICATIONS, LLC,
26 Defendant.

27 The Court having considered the Emergency Application for Order to Show Cause Against
28 Fermion for the Failure to Turnover Property of the Estate (“Application”), and good cause appearing,

29 IT IS HEREBY ORDERED requiring Fermion to appear on _____
30 _____, 2009, at _____, m, before the Honorable Charles G. Case, II, in Courtroom 601,
31 at 230 North First Avenue, Phoenix, Arizona, at which hearing, Fermion is required to show cause why
32 it has failed to refund the deposit to the estate in violation of the December 5, 2008 Order and 11
33 U.S.C. § 542. At the hearing, the Court will consider entry of an Order as requested by the Debtor in

1 the Application, directing (i) Fermion to appear before this Court within 10 days, and show cause why
2 it has acted in violation of this Court's Order and Section 542 in failing to return the Security Deposit,
3 (ii) ordering Fermion to immediately return the deposit to the Omega estate, (iii) sanctioning Fermion
4 for their improper conduct by requiring payment of the estate's attorneys fees and costs incurred in
5 bringing this matter, and (iv) granting such other and further relief as the Court deems appropriate
6 under the circumstances.

7
8 IT IS FURTHER ORDERED that any objections to the Application must be filed with the
9 Bankruptcy Court no later than 3 days prior to the hearing, with copy provided electronically to
10 Debtor's counsel and counsel for the Unsecured Creditors' Committee at the following e-mail
11 addresses:

12 alacey@stinson.com

13 jkroop@ssd.com

14 IT IS FURTHER ORDERED that Debtor will immediately serve the Section 542 Complaint
15 for Turnover of Deposit Against Fermion, the Application and this Order upon counsel for Fermion
16 Communications, LLC.

17 DATED AND SIGNED ABOVE
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