



CLOSED,EAPJ

**U.S. District Court
Western District of Missouri (Jefferson City)
CIVIL DOCKET FOR CASE #: 2:11-cv-04220-NKL**

BPS Telephone Company et al v. Halo Wireless, Inc.
Assigned to: District Judge Nanette K. Laughrey
Case in other court: Cole County, Missouri Public Service
Commission, TC-11-00404
Cause: 28:1331 Fed Question: Fed Communications Act of 1

Date Filed: 08/19/2011
Date Terminated: 01/03/2012
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Date Filed	#	Docket Text
12/21/2011	41	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) (Entered: 12/21/2011)

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