

ORIGINAL
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

030000-PA

In re: _____)
 _____)
PATHNET OPERATING, INC.,)
 _____)
DEBTOR.)

Case No. 01-12266-SSM

Chapter 7

COMMISSION
CLERK

JUN 13 AM 9:27

RECEIVED-EPSC

NOTICE OF MOTION

Gordon P. Peyton, Chapter 7 Trustee of the bankruptcy estate of Pathnet Operating, Inc. ("POI"), has filed a Motion and Memorandum in Support of Motion for Authority to Settle Classes of Avoidance Claims and Controversies Pursuant to Federal Rule of Bankruptcy Procedure 9019(b).

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before June 27, 2003 or your attorney must:

- Send to the parties listed below at least 15 days written notice of a hearing, which may be set on any regularly-scheduled motion day of the judge assigned to the case. If necessary, you may obtain a list of such dates by telephone from the clerk's office. The original and one copy of the notice must be filed with the clerk, accompanied by a motion day cover sheet, a copy of which may be obtained from the clerk. If you are not represented by an attorney, you may instead file with the clerk a written request for hearing. If you mail your request for hearing to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. The address of the clerk's office is as follows:

Clerk of Court
 United States Bankruptcy Court
 P.O. Box 19247
 Alexandria, Virginia 22320

You will be notified by the clerk of the hearing date and will be responsible for sending notice of hearing to the parties listed below.

- File with the court, at the address shown above, a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). **Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing.** If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must also mail a copy to the persons listed below.

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC _____
- OTH _____

Attend the hearing scheduled to be held on **July 1, 2003 at 10:00 a.m.** in Courtroom 1, United States Bankruptcy Court, 200 South Washington Street, Alexandria, Virginia 22314. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**

A copy of any written response must be faxed and mailed to the following persons:

DOCUMENT NUMBER-DATE

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EPSC-COMMISSION CLERK

ALOWNYC

- John G. McJunkin
J. David Folds
Piper Rudnick LLP
1775 Wiehle Avenue, Ste. 400
Reston, VA 20190
Facsimile: (703) 773-5035

- Robert M. Gants
Redmond Peyton & Braswell, L.L.P.
510 King Street. Ste. 301
Alexandria, VA
Facsimile: (703) 684-5109

- United States Trustee, Region 4
115 South Union Street, Suite 210
Alexandria, VA 22314
Facsimile: (703) 557-7279

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: June 11, 2003

Signature, name, address and telephone number of person giving notice:

/s/ J. David Folds
John G. McJunkin VSB #31011
J. David Folds VSB #44068
1775 Wiehle Avenue, Ste. 400
Reston, VA 20190
Telephone: (703) 773-4155
Facsimile: (703) 773-5035

/s/ Robert M. Gants
Robert M. Gants, Esq. VSB #38423
Redmond, Peyton & Braswell, L.L.P.
510 King Street, Ste. 301
Alexandria, VA 22314
Telephone: (703) 684-2000
Facsimile: (703) 684-5109

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Motion was served electronically as available, and mailed, postage prepaid, on June 11, 2003 to the Office of the U.S. Trustee, Counsel representing the opposing party and via first class mail to the creditors in this case and to entities who have requested notice pursuant to Bankruptcy Rule 2002 as set forth on the attached service list.*

/s/ J. David Folds
J. David Folds

*Pursuant to Local Rule 5005-1(C) (8), the attached service lists are not being served on each of the parties, but are attached to the original Certificate of Service filed with the Court.