

Laguna Hills

From: Ray Coburn [ray.coburn@rocketmail.com]
Sent: Thursday, October 04, 2012 2:26 PM
To: usa0306@fedex.com
Subject: ray please do not print till i come thank you.

Home > Categories > Business and Industry > WE THE TERRESTAR CORPORATION COMMON SHAREHOLDERS OBJECT TO THE CONFIRMATION HEARING OF THE 3RD AMENDED PLAN OF REORGANIZATION



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The Petition

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Lead Case No

TERRESTAR CORPORATION, et al 11 CV 10612 (SHL)
TERRESTAR NETWORK, et al 10 CV 15466 (SHL)
DEBTORS IN POSSESSION,

A). What is the title of our petition?

Requesting the approval of the Discovery Requests Responses of the Debtors with Comments by Jeffrey M. Swarts; and Objecting To the denial responses file on 10/02/2012 by the Counsel to the TSC Debtors, AKIN GUMP STRAUSS Hauer & FELD LLP, (please see docket #640).

In Response To: The Confirmation Hearing Of The TSC Debtors's 3rd Amended Plan of Reorganization.

B). Who is the target of our petition?

The Honorable Judge Sean H. Lane

C). What issue best describes our petition?

We are requesting the reorganization plan be fair and equitable with respect to all classes, including the common equity holders; also we are requesting actions that bring maximum value to the estate.

Dear Judge Lane,

We, the TerreStar Corporation (TSTRQ) common share holders, hereby request the approval of discovery of contracts, export reports, and documents filed by Mr. Jeffery Swarts in docket #625; and object to the denial comments made by the Counsel to the TSC Debtors, AKIN GUMP STRAUSS Hauer & FELD LLP, please see docket #640. We object to the company's disclosures and its 3rd Amended Plan of Reorganization.

Why is this important?

1. Violation of Fiduciary Responsibility –

The debtor's counsel objected to Mr. Swarts requests, based on confidential documents or documents subject to attorney-client privilege or work-product protection. Counsel ignores that he is paid by the estate and he is not looking after the best interests of the estate and maximizing its value, in violation of fiduciary duty.

The law firm Akin Gump & Strauss Hauer & Feld LLP. is the counsel to TerreStar Networks and TerreStar Corporation. The two separate bankruptcies are a conflict of interest. What measures do they take to determine and divide the claims, loans, credits and liabilities, TerreStar Network vs TerreStar Corporation?

Management's actions and decision making should be held accountable; the Officers, the Directors, the in-house lawyer, the members of the Board of Directors and the Chairman of the Board should not receive any claims whatsoever. **Please see Docket # 639.**

Further, the Financial Advisor, The BlackStone Group and the Debtor's lawyers should be held liable if there is any investigation by the Enforcement and Regulatory Agency, and if it is found they conspired to cover-up any wrongdoing of a crime or crimes.

In October 2010, TerreStar Network Inc. filed for Chapter 11, Solus and Millennium International Management LP, holders of preferred stock; also have a motion on the Nov. 16 calendar asking the bankruptcy judge to dismiss the Chapter 11 cases of seven TerreStar affiliates. They say the companies don't need reorganization and the value of their businesses should flow to the parent company, TerreStar Corp.

http://www.epiqsystems.com/Bankruptcy_Creditor.aspx?id=8589934611

But Insiders were quietly selling common shares and purchasing notes. Much later, in February 2011 TerreStar Corporation also filed Chapter 11 bankruptcy. Please note, Harbinger sold millions of common shares and used those funds to buy notes before the filing of the bankruptcy. They knew the very same amount of the dollars was worth more in notes than the common shares value. They benefited significantly from the inside information.

2. Securities Fraud and multiple violations of the Sarbanes-Oxley Act and in real need to maximize the value of the estate, such as finding "new value" –

The debtor's counsel objected to Mr. Swarts filing based on the grounds that it is vague, ambiguous, and incapable of a precise response. Debtors further object to Request No. 1.1 to the extent that it seeks documents or information irrelevant to the subject matter of these proceedings.

Without an equity committee and the independent examiner, the fair and maximum valuation and transparency cannot be determined. The information that Mr. Swarts requests is the least that management can provide to assist in determining the true and accurate value of the TerreStar Corporation.

Elektrobit Corp. of Finland filed a lawsuit against the parent company of mobile satellite services startup TerreStar Networks, which was under Chapter 11 bankruptcy protection. On August, 2012, Elektrobit received payment of 13.5 million USD from TerreStar Corporation in full and final satisfaction of its claim against TerreStar Corporation. Will Echo Star, the new owner of the TerreStar Network, repay the loans and claims to its parent company TerreStar Corporation?

Again, we believe the maximum value of the estate can only be achieved by appointing an equity committee and the independent examiners.

3. Violations of Title 18 Section 152, Section 154, Section 157 and Section 158 in Bankruptcy Crimes –

Please refer Docket # 607. This clearly is a "**Constructive Fraud**" and the Bankruptcy Court have been used to launder assets from the equity shareholders of Terrestar Corporation to financially benefit the majority shareholders and the Preferred shareholders.

4. Undervaluation of FCC licensed 1.4 GHz spectrum –

The debtors have repeatedly argued that the infrastructure for the 1.4 Spectrum is immature and that it is not developed. However, there are numerous exhibits submitted that prove otherwise.

A study was done by the Plum Consulting, a very respected telecommunication consultants based in London, England. According to Plum, the 1.4 GHz Spectrum is a very valuable asset for the European telecommunication market and perhaps Northern African region as well. The 1.4 GHz Spectrum is worth multiple Billion Dollars in Europe and that has been established and known by different means already.

Based on the last Spectrum Management Conference (The equivalent of the F.C.C. in the United States) that held in Brussels, Belgium in June 2011 the 1.4 GHz Spectrum Band can generate at least revenues over **\$7.7 Billion Dollars** in the European region.

Undervaluing such an important and valuable spectrum will result in the common share holders getting wiped out. The debtors are doing this deliberately to benefit a selected few once again. This company should not have been in bankruptcy in the first place.

This was being done exactly the same way as was done with bankruptcy cases of Loral Aerospace Corporation, Leap Wireless Corporation, DBSD/ North America (Former name was ICO Global Corporation), Global Star Corporation, TerreStar Networks Inc., TerreStar Corporation.

Your Honor, the debtors must disclose the requested 1.4 GHz related information (as listed in Docket #625) to insure the integrity of the process and that the valuation of the spectrum is properly supported.

For all the reasons we have listed above-

We, the common shareholders object to the confirmation hearing of the 3rd amended plan of reorganization.

We jointly support Mr. Jeffery M. Swarts and Mr. Aldo Ismael Perez's efforts, in searching fair, equitable, justifiable solutions.

We request the approval of the Discovery Request Responses of The Debtors with Comments by Jeffrey M. Swarts; and Object to the denial responses file on 10/02/2012 by the TSC Debtors Counsel, AKIN GUMP STRAUSS Hauer & FELD LLP.

We object to the way these valuable assets are being undervalued to benefit a few.

We are pleading The Honorable Judge Sean Lane to-

- (1). Stop this bankruptcy proceeding immediately and investigate it thoroughly to insure justice and fairness for not only the few, but all affected shareholders.
- (2). Guide the bankruptcy proceeding with transparency and honesty and take all actions that bring maximum value to the estate.
- (3). Use all options, such as, Carved Out, Sharing a Piece of The Bankruptcy Pie, New Value, etc. to enable common share holders to participate the Reorganization planning.

Amendments

Title 18 U.S.C. Sections 151-158

<http://uscode.house.gov/download/pls/18C9.txt>

[as of 2002; since then only §§156-158 have been amended, which occurred in 2005 in the context of the amendment to the Bankruptcy Code by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA)]

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE

PART I - CRIMES

CHAPTER 9 - BANKRUPTCY

Sec. 151. Definition

Sec. 152. Concealment of assets; false oaths and claims; bribery

Sec. 153. Embezzlement against estate

Sec. 154. Adverse interest and conduct of officers

Sec. 155. Fee agreements in cases under title 11 and receiverships

Sec. 156. Knowing disregard of bankruptcy law or rule

Sec. 157. Bankruptcy fraud

Sec. 158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules

DETAILS:

-CITE-

18 USC CHAPTER 9 - BANKRUPTCY

01/03/2012 (112-90)

-EXPCITE-

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE

PART I - CRIMES

CHAPTER 9 - BANKRUPTCY

-HEAD-

CHAPTER 9 - BANKRUPTCY

-MISC1-

Sec.

151. Definition.

152. Concealment of assets; false oaths and claims; bribery.

153. Embezzlement against estate.

154. Adverse interest and conduct of officers.

155. Fee agreements in cases under title 11 and receiverships.

156. Knowing disregard of bankruptcy law or rule.

157. Bankruptcy fraud.

158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules.

AMENDMENTS

2005 - Pub. L. 109-8, title II, Sec. 203(b)(2), Apr. 20, 2005, 119 Stat. 49, added item 158.

1994 - Pub. L. 103-394, title III, Sec. 312(a)(2), Oct. 22, 1994, 108 Stat. 4140, substituted "against estate" for "by trustee or officer" in item 153 and added items 156 and 157.

1978 - Pub. L. 95-598, title III, Sec. 314(b)(2), (d)(3), (e)(3), (f)(3), Nov. 6, 1978, 92 Stat. 2677, substituted in item 151 "Definition" for "Definitions"; struck from item 153 ", receiver" after "trustee" and from item 154 "referees and other" before "officers"; and substituted in item 155 "cases under title 11 and receiverships" for "bankruptcy proceedings".

-End-

-CITE-

18 USC Sec. 151

01/03/2012 (112-90)

-EXPCITE-

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 9 - BANKRUPTCY

-HEAD-

Sec. 151. Definition

-STATUTE-

As used in this chapter, the term "debtor" means a debtor concerning whom a petition has been filed under title 11.

-SOURCE-

(June 25, 1948, ch. 645, 62 Stat. 689; Pub. L. 95-598, title III, Sec. 314(b)(1), Nov. 6, 1978, 92 Stat. 2676; Pub. L. 103-322, title XXXIII, Sec. 330008(5), Sept. 13, 1994, 108 Stat. 2143.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on section 52(f) of title 11, U.S.C., 1940 ed., Bankruptcy (July 1, 1898, ch. 541, Sec. 29f as added June 22, 1938, ch. 575, Sec. 1, 52 Stat. 857).

Definition of "bankruptcy" was added to avoid repetitious references to said title 11.

Minor changes in phraseology was made.

AMENDMENTS

1994 - Pub. L. 103-322 substituted "means" for "mean".

1978 - Pub. L. 95-598 substituted "Definition" for "Definitions" in section catchline, substituted definition of "debtor" as a debtor concerning whom a petition has been filed under title 11 for definition of "bankrupt" as a debtor by or against whom a petition has been filed under title 11, and struck out definition of "bankruptcy" as including any proceeding, arrangement, or plan pursuant to title 11.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (Sec. 151 et seq.), chapter 96 (Sec. 1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

-End-

-CITE-

18 USC Sec. 152

01/03/2012 (112-90)

-EXPCITE-

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 9 - BANKRUPTCY

-HEAD-

Sec. 152. Concealment of assets; false oaths and claims; bribery

-STATUTE-

A person who -

(1) knowingly and fraudulently conceals from a custodian, trustee, marshal, or other officer of the court charged with the control or custody of property, or, in connection with a case under title 11, from creditors or the United States Trustee, any property belonging to the estate of a debtor;

(2) knowingly and fraudulently makes a false oath or account in or in relation to any case under title 11;

(3) knowingly and fraudulently makes a false declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, in or in relation to any case under title 11;

(4) knowingly and fraudulently presents any false claim for proof against the estate of a debtor, or uses any such claim in any case under title 11, in a personal capacity or as or through an agent, proxy, or attorney;

(5) knowingly and fraudulently receives any material amount of property from a debtor after the filing of a case under title 11, with intent to defeat the provisions of title 11;

(6) knowingly and fraudulently gives, offers, receives, or attempts to obtain any money or property, remuneration, compensation, reward, advantage, or promise thereof for acting or forbearing to act in any case under title 11;

(7) in a personal capacity or as an agent or officer of any person or corporation, in contemplation of a case under title 11 by or against the person or any other person or corporation, or with intent to defeat the provisions of title 11, knowingly and fraudulently transfers or conceals any of his property or the property of such other person or corporation;

(8) after the filing of a case under title 11 or in contemplation thereof, knowingly and fraudulently conceals, destroys, mutilates, falsifies, or makes a false entry in any recorded information (including books, documents, records, and papers) relating to the property or financial affairs of a debtor; or

(9) after the filing of a case under title 11, knowingly and fraudulently withholds from a custodian, trustee, marshal, or other officer of the court or a United States Trustee entitled to its possession, any recorded information (including books, documents, records, and papers) relating to the property or financial affairs of a debtor,

shall be fined under this title, imprisoned not more than 5 years, or both.

-SOURCE-

(June 25, 1948, ch. 645, 62 Stat. 689; Pub. L. 86-519, Sec. 2, June 12, 1960, 74 Stat. 217; Pub. L. 86-701, Sept. 2, 1960, 74 Stat. 753; Pub. L. 94-550, Sec. 4, Oct. 18, 1976, 90 Stat. 2535; Pub. L. 95-598, title III, Sec. 314(a), (c), Nov. 6, 1978, 92 Stat. 2676, 2677; Pub. L. 100-690, title VII, Sec. 7017, Nov. 18, 1988, 102 Stat. 4395; Pub. L. 103-322, title XXXIII, Sec. 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 103-394, title III, Sec. 312(a)(1)(A), Oct. 22, 1994, 108 Stat. 4138; Pub. L. 104-294, title VI, Sec. 601(a)(1), Oct. 11, 1996, 110 Stat. 3497.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on section 52(b) of title 11, U.S.C., 1940 ed., Bankruptcy (July 1, 1898, ch. 541, Sec. 29b, 30 Stat. 554; May 27, 1926, ch. 406, Sec. 11 (part), 44 Stat. 665; June 22, 1938, ch. 575, Sec. 1 (part), 52 Stat. 855).

Section was broadened to apply to one who gives or offers a bribe.

Minor changes were made in phraseology.

AMENDMENTS

1996 - Pub. L. 104-294 substituted "fined under this title" for "fined not more than \$5,000" in closing provisions.

1994 - Pub. L. 103-394 amended section generally, designating undesignated pars. as opening provisions, pars. (1) to (9), and closing provisions, and in pars. (1) and (9) inserting reference to United States Trustee.

Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$5,000" in last par.

1988 - Pub. L. 100-690 substituted "penalty of perjury" for "penalty or perjury" in third par.

1978 - Pub. L. 95-598 substituted, wherever appearing, "debtor" for "bankrupt", "case under title 11" for "bankruptcy proceeding", and "provisions of title 11" for "bankruptcy law"; and substituted "a custodian" for "the receiver, custodian", wherever appearing, and "recorded information, including books, documents, records, and papers, relating to the property or financial affairs" for "document affecting or relating to the property or affairs", in two places.

1976 - Pub. L. 94-550 inserted paragraph covering the knowing and fraudulent making of a false declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28 or in relation to any bankruptcy proceeding.

1960 - Pub. L. 86-701 included fraudulent transfers and concealment of property by persons in their individual capacity in sixth par.

Pub. L. 86-519 struck out "under oath" after "knowingly and fraudulently presents" in third par.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-394 effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as a note under section 101 of Title 11.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (Sec. 151 et seq.), chapter 96 (Sec. 1961 et seq.), or section 2516, 3057, or 3284 of this title to any act

of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

-End-

-CITE-

18 USC Sec. 153

01/03/2012 (112-90)

-EXPCITE-

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 9 - BANKRUPTCY

-HEAD-

Sec. 153. Embezzlement against estate

-STATUTE-

(a) Offense. - A person described in subsection (b) who knowingly and fraudulently appropriates to the person's own use, embezzles, spends, or transfers any property or secretes or destroys any document belonging to the estate of a debtor shall be fined under this title, imprisoned not more than 5 years, or both.

(b) Person to Whom Section Applies. - A person described in this subsection is one who has access to property or documents belonging to an estate by virtue of the person's participation in the administration of the estate as a trustee, custodian, marshal, attorney, or other officer of the court or as an agent, employee, or other person engaged by such an officer to perform a service with respect to the estate.

-SOURCE-

(June 25, 1948, ch. 645, 62 Stat. 690; Pub. L. 95-598, title III, Sec. 314(a)(1), (d)(1), (2), Nov. 6, 1978, 92 Stat. 2676, 2677; Pub. L. 103-322, title XXXIII, Sec. 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 103-394, title III, Sec. 312(a)(1)(A), Oct. 22, 1994, 108 Stat. 4139; Pub. L. 104-294, title VI, Sec. 601(a)(1), Oct. 11, 1996, 110 Stat. 3497.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on section 52(a) of title 11, U.S.C., 1940 ed., Bankruptcy (July 1, 1898, ch. 541, Sec. 29a, 30 Stat. 554; May 27, 1926, ch. 406, Sec. 11 (part), 44 Stat. 665; June 22, 1938, ch. 575, Sec. 1 (part), 52 Stat. 855).

Minor changes were made in phraseology.

AMENDMENTS

1996 - Subsec. (a). Pub. L. 104-294 substituted "fined under this title" for "fined not more than \$5,000".

1994 - Pub. L. 103-394 amended section generally. Prior to amendment, section read as follows: "Whoever knowingly and fraudulently appropriates to his own use, embezzles, spends, or transfers any property or secretes or destroys any document belonging to the estate of a debtor which came into his charge as trustee, custodian, marshal, or other officer of the court, shall be fined under this title or imprisoned not more than five years, or both."

Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$5,000".

1978 - Pub. L. 95-598 struck out ", receiver" after "trustee" in section catchline and in text struck out "receiver," before "custodian" and substituted "debtor" for "bankrupt".

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-394 effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as a note under section 101 of Title 11.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (Sec. 151 et seq.), chapter 96 (Sec. 1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

-End-

-CITE-

18 USC Sec. 154

01/03/2012 (112-90)

-EXPCITE-

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE

PART I - CRIMES

CHAPTER 9 - BANKRUPTCY

-HEAD-

Sec. 154. Adverse interest and conduct of officers

-STATUTE-

A person who, being a custodian, trustee, marshal, or other officer of the court -

(1) knowingly purchases, directly or indirectly, any property of the estate of which the person is such an officer in a case under title 11;

(2) knowingly refuses to permit a reasonable opportunity for the inspection by parties in interest of the documents and accounts relating to the affairs of estates in the person's charge by parties when directed by the court to do so; or

(3) knowingly refuses to permit a reasonable opportunity for the inspection by the United States Trustee of the documents and accounts relating to the affairs of an estate in the person's charge,

shall be fined under this title and shall forfeit the person's office, which shall thereupon become vacant.

-SOURCE-

(June 25, 1948, ch. 645, 62 Stat. 690; Pub. L. 95-598, title III, Sec. 314(a)(2), (e)(1), (2), Nov. 6, 1978, 92 Stat. 2676, 2677; Pub. L. 103-322, title XXXIII, Sec. 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 103-394, title III, Sec. 312(a)(1)(A), Oct. 22, 1994, 108 Stat. 4139; Pub. L. 104-294, title VI, Sec. 601(a)(1), Oct. 11, 1996, 110 Stat. 3497.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on section 52(c) of title 11, U.S.C., 1940 ed., Bankruptcy (July 1, 1898, ch. 541, Sec. 29c, 30 Stat. 554; June 22, 1938, ch. 575, Sec. 1 (part), 52 Stat. 856).

Minor changes were made in phraseology.

AMENDMENTS

1996 - Pub. L. 104-294 substituted "fined under this title" for "fined not more than \$5,000" in closing provisions.

1994 - Pub. L. 103-394 amended section generally. Prior to amendment, section read as follows:

"Whoever, being a custodian, trustee, marshal, or other officer of the court, knowingly purchases, directly or indirectly, any property of the estate of which he is such officer in a case under title 11; or

"Whoever being such officer, knowingly refuses to permit a reasonable opportunity for the inspection of the documents and accounts relating to the affairs of estates in his charge by parties in interest when directed by the court to do so -

"Shall be fined under this title, and shall forfeit his office, which shall thereupon become vacant."

Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$500" in third par.

1978 - Pub. L. 95-598 struck out "referees and other" before "officers" in section catchline, and in text struck out "Whoever knowingly acts as a referee in a case in which he is directly or indirectly interested; or" before "Whoever, being a" and "referee, receiver," before "custodian" and substituted "case under title 11" for "bankruptcy proceeding".

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-394 effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as a note under section 101 of Title 11.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (Sec. 151 et seq.), chapter 96 (Sec. 1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

-End-

-CITE-

18 USC Sec. 155

01/03/2012 (112-90)

-EXPCITE-

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 9 - BANKRUPTCY

-HEAD-

Sec. 155. Fee agreements in cases under title 11 and receiverships

-STATUTE-

Whoever, being a party in interest, whether as a debtor, creditor, receiver, trustee or representative of any of them, or attorney for any such party in interest, in any receivership or case under title 11 in any United States court or under its supervision, knowingly and fraudulently enters into any agreement, express or implied, with another such party in interest or attorney for another such party in interest, for the purpose of fixing the

fees or other compensation to be paid to any party in interest or to any attorney for any party in interest for services rendered in connection therewith, from the assets of the estate, shall be fined under this title or imprisoned not more than one year, or both.

-SOURCE-

(June 25, 1948, ch. 645, 62 Stat. 690; May 24, 1949, ch. 139, Sec. 4, 63 Stat. 90; Pub. L. 95-598, title III, Sec. 314(f)(1), (2), Nov. 6, 1978, 92 Stat. 2677; Pub. L. 103-322, title XXXIII, Sec. 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

-MISC1-

HISTORICAL AND REVISION NOTES

1948 ACT

Based on section 572a of title 28, U.S.C., 1940 ed., Judicial Code and Judiciary (Aug. 25, 1937, ch. 777, 50 Stat. 810.)

Words "upon conviction" were deleted as surplusage since punishment can be imposed only after a conviction.

A fine of "\$5,000" was substituted for "\$10,000" and "one year" for "five years", to reduce the offense to the grade of a misdemeanor and the punishment to an amount and term proportionate to the gravity of the offense.

Minor changes were made in phraseology.

1949 ACT

This amendment [see section 4] clarifies section 155 of title 18, U.S.C., by restating the first paragraph thereof in closer conformity with the original law, as it existed at the time of the enactment of the revision of title 18.

AMENDMENTS

1994 - Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$5,000".

1978 - Pub. L. 95-598 substituted "cases under title 11 and receiverships" for "bankruptcy proceedings" in section catchline and in text "or case under title 11" for ", bankruptcy or reorganization proceeding", inserted "knowingly and fraudulently" after "supervision," and struck out penalty provision for a judge of a United States court to knowingly approve the payment of any fees or compensation that were fixed.

1949 - Act May 24, 1949, inserted references to attorneys for any party in interest in three places, and substituted "in any United States court or under its supervision" for "in or under the supervision of any court of the United States".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (Sec. 151 et seq.), chapter 96 (Sec. 1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

-End-

-CITE-

18 USC Sec. 156

01/03/2012 (112-90)

CHAPTER 9 - BANKRUPTCY

-HEAD-

Sec. 157. Bankruptcy fraud

-STATUTE-

A person who, having devised or intending to devise a scheme or artifice to defraud and for the purpose of executing or concealing such a scheme or artifice or attempting to do so -

- (1) files a petition under title 11, including a fraudulent involuntary petition under section 303 of such title;
- (2) files a document in a proceeding under title 11; or
- (3) makes a false or fraudulent representation, claim, or promise concerning or in relation to a proceeding under title 11, at any time before or after the filing of the petition, or in relation to a proceeding falsely asserted to be pending under such title,

shall be fined under this title, imprisoned not more than 5 years, or both.

-SOURCE-

(Added Pub. L. 103-394, title III, Sec. 312(a)(1)(B), Oct. 22, 1994, 108 Stat. 4140; amended Pub. L. 109-8, title III, Sec. 332(c), Apr. 20, 2005, 119 Stat. 103; Pub. L. 111-327, Sec. 2(b), Dec. 22, 2010, 124 Stat. 3562.)

-MISC1-

AMENDMENTS

2010 - Par. (1). Pub. L. 111-327, Sec. 2(b)(1), struck out "bankruptcy" after "involuntary".

Pars. (2), (3). Pub. L. 111-327, Sec. 2(b)(2), struck out ", including a fraudulent involuntary bankruptcy petition under section 303 of such title" after "title 11".

2005 - Pars. (1) to (3). Pub. L. 109-8, which directed insertion of ", including a fraudulent involuntary bankruptcy petition under section 303 of such title" after "title 11", was executed by making the insertion after "title 11" wherever appearing, to reflect the probable intent of Congress.

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1

Name: RAYMOND J. COBURN on Oct 3, 2012

Comments: I AM VERY CONCERNED FOR THE PROFESSIONALISM THAT WAS SUPPOSED TO TAKE PLACE WITH IN A SERIOUS CASE SUCH AS THIS IT MAKES ME VERY WORRIED AND CONCERNED FOR NOT JUST MYSELF BECAUSE I AM NOT A SELFISH GUY, BUT FOR EVERY LIVING AND FREEDOM SERVING AMERICAN IN THE UNTIED STATES OF AMERICA AT WHAT THE VOICE OF THE LITTLE GUY HAS COME TO "BEING WALKED ON , SPIT ON, NOT HEARD, CRUSHED BY POLITICAL POWER IT IS WRONG WHAT THESE DEBTOR'S ARE DOING TO US AND EVERYONE KNOWS IT EVEN THE SENATOR'S." GOD IS WATCHING I PROMISE THAT, THIS IS ALL MY OWN OPINION AND MY CONSTITUTIONAL RIGHT.!!! PLEASE HEAR THE COMMONS YOUR HONOR WE ARE IN THE RIGHT...!! THANK YOU..

[Flag](#)

2

Name: Rod Whaley on Oct 3, 2012

Comments:

[Flag](#)

3

Name: Clay Call on Oct 3, 2012

Comments:

[Flag](#)

4

Name: William Faulkner on Oct 3, 2012

Comments:Flag

5. 5

Name: Anonymous on Oct 3, 2012

Comments: Your honor, please do the right thing. We have faced enough abuse and wrong doing by the debtors. and others in regards to TSTRQ. I humbly ask that you look at the illegal filings and dealings of persons involved who drove this company into bankruptcy when it was not necessary and have run this company as if it were a private company. Thank you.

Flag

6. 6

Name: Yves Turner on Oct 3, 2012**Comments:**Flag

7. 7

Name: Jordan Shaw on Oct 3, 2012**Comments:**Flag

8. 8

Name: Sandeep Singh on Oct 3, 2012

Comments: There are numerous security violations and fraud happening in Terrestar's bankruptcy case, the proof of which has been submitted to the court many times. I object to TSC Debtors's Plan of Reorganization. 1.4 GHz Spectrum is a very mature and developed spectrum. This spectrum is very valuable in today's scenario and will become more valuable in the future. The debtors must disclose the 1.4 GHz related information requested in docket #625. Only some of the information was made available (as per docket #640) but majority of the important information on 1.4 GHz was concealed by the debtors. Please approve all the Discovery requests requested by Mr. Swarts. The list of Discovery Requests by Mr. Swarts is the least one can ask for from the court. The debtors must be transparent to keep the bankruptcy proceeding fair. We are requesting the reorganization plan be fair and equitable with respect to all classes, including the common equity holders; also we are requesting actions that bring maximum value to the estate.

Flag

9. 9

Name: Tyler East on Oct 3, 2012

Comments: I am a common equity holder and agree with this petition. I hold 41,000 common shares and would like the distribution to be fair to all equity holders. Thank You

Flag

10. 10

Name: Jerry Ingerman on Oct 3, 2012**Comments:**Flag

11. 11

Name: John Joseph Cupo Jr. on Oct 3, 2012**Comments:**Flag

12. 12
Name: Steve Schaffer on Oct 3, 2012
Comments:
[Flag](#)
13. 13
Name: Nitin Aggarwal on Oct 3, 2012
Comments:
[Flag](#)
14. 14
Name: Cjf Trooster on Oct 3, 2012
Comments: spectrum in europe very valuable Neelie Kroes welcomes European Parliament's support for EU Spectrum Policy proposal
[Flag](#)
15. 15
Name: Jon on Oct 3, 2012
Comments: I currently own 52,000 shares of tstr
[Flag](#)
16. 16
Name: Eva Campbell on Oct 3, 2012
Comments: We TerreStar common share holders jointly support Mr. Jeffery M. Swarts and Mr. Aldo Ismael Perez's efforts, in searching fair, equitable, justifiable solutions. Please approve all Discovery Requests Responses by Mr. Jeffrey M. Swarts, in response: to The Confirmation Hearing of The TSC 3rd Amended Plan Of Reorganization, so he may do his due diligence, to assist in determining the true and accurate value of TerreStar Corporation. We pleading The Honorable Judge Sean Lane to- 1. Guide the bankruptcy proceeding with transparency and honesty and take all actions that bring maximum value to the estate. 2. Use all options, such as, Carved Out, Sharing a Piece of The Bankruptcy Pie, New Value, etc. to enable common share holders to participate the Reorganization planning. "Carved Out" <http://www.srz.com/files/News/b583335d-63fe-4011-9f6b-72b429db3424/Presentation/NewsAttachment/52804788-ee4f-4dfa-90a4-bb1a7947f8ce/filesfilesClientAlert071706.pdf> <http://bankruptcy.morrisjames.com/2006/07/articles/senior-lenders-carve-out-for-benefit-of-general-unsecured-creditors-does-not-violate-absolute-priority-rule/> Sharing a Piece of the Bankruptcy Pie: Asset and Plan Distribution Sharing & Reallocation - http://www.arentfox.com/publications/index.cfm?content_id=1077&fa=legalUpdateDisp <http://www.weil.com/news/pubdetail.aspx?pub=8617> "New Value"- Loan or claim, credit repay from TerreStar Network to TerreStar Corporation <http://definitions.uslegal.com/s/subsequent-new-value-defense-bankruptcy/> <http://www.weil.com/news/pubdetail.aspx?pub=3145>
[Flag](#)
17. 17
Name: Stephen Wenner on Oct 3, 2012
Comments:
[Flag](#)
18. 18
Name: CARLOS H MARTINEZ on Oct 3, 2012
Comments: I am waiting for justice in this case and fully support this petition.
[Flag](#)

19. 19

Name: Anonymous on Oct 3, 2012

Comments: please dont forget about us common folks!

[Flag](#)

20. 20

Name: Kevin W. Grimshaw on Oct 3, 2012

Comments: If it please your Honor, I ask that you please look at the other valuations of the spectrum, please. The common stockholders have supported this company for years. Please give us all the chance for recovery, too. Respectfully, Kevin W. Grimshaw

[Flag](#)

21. 21

Name: Tom THOMPSON on Oct 3, 2012

Comments:

[Flag](#)

22. 22

Name: Michelle MOORE on Oct 3, 2012

Comments:

[Flag](#)

23. 23

Name: Nadir Lakel on Oct 4, 2012

Comments:

[Flag](#)

24. 24

Name: George Anthony on Oct 4, 2012

Comments: presently own 5,075,000 common shares

[Flag](#)

25. 25

Name: Mary Wofford on Oct 4, 2012

Comments: presently own 620,000 common shares

[Flag](#)

26. 26

Name: Vincent Anthony/George Anthony on Oct 4, 2012

Comments: presently own 236,000 common shares

[Flag](#)

27. 27

Name: Patricia Madonna/Mary Wofford on Oct 4, 2012

Comments: presently own 620,000 common shares

[Flag](#)

28. 28

Name: Anonymous on Oct 4, 2012

Comments:

[Flag](#)

29. 29

Name: George A. Hook on Oct 4, 2012

Comments: How is anybody to believe that this company will conduct business after BK using the values that they are trying to sell to this court?

[Flag](#)

30. 30

Name: Dan Pacaud on Oct 4, 2012

Comments: This company never intended to strive in the industry.They never updated their website to let their investors see the company working towards the objectives.They never gave out any positive news to the stock market to allure more investors.Please check any records they did not inform the shareholders at all.They have kept us out in the dark as the same way they steal our money.Please do us justice.They have stolen our hardearned taxed dollers.

[Flag](#)

31. 31

Name: Scott on Oct 4, 2012

Comments:

[Flag](#)

32. 32

Name: Jim Vincent on Oct 4, 2012

Comments: Looking for fairness for all stakeholders.

[Flag](#)

33. 33

Name: Michael Phillips on Oct 4, 2012

Comments: Please just consider the Common Shareholder interest in a company that has plenty of value.

[Flag](#)

34. 34

Name: Rico Rice on Oct 4, 2012

Comments:

[Flag](#)

35. 35

Name: Cheryl Hill on Oct 4, 2012

Comments:

Flag

36. 36

Name: Elizabeth Henley on Oct 4, 2012

Comments:

Flag

37. 37

Name: Kachelle Bentley on Oct 4, 2012

Comments:

Flag

38. 38

Name: Angela Phillips on Oct 4, 2012

Comments:

Flag

39. 39

Name: Lin Chamberlain on Oct 4, 2012

Comments: Commons shareholder hoping for a fair shake in this deal. Just an honest evaluation of the value of the assets.

Flag

40. 40

Name: Thomas Freeman on Oct 4, 2012

Comments: "We, the Common Shareholders of Terrestar Corporation, OBJECT to the debtor's plan of reorganization. We have been unjustifiably wronged. The Common Shareholders fiercely believe that the debtors have time and time again intentionally undervalued and mislead the Court as to the true value of their assets. As the Common Shareholders have not been represented in Court by an Equity Committee, we beseech the court - as our only recourse - to allow by its judicial discretion and AS AN ACT OF GOOD FAITH FOR ALL PARTIES INVOLVED, that the Court appoint a FAIR, HONEST, and INDEPENDENT EXAMINER to give a proper, current market evaluation of the assets."

Flag

41. 41

Name: Anonymous on Oct 4, 2012

Comments: I hold 305,000 shares and object. This company should not be in bankruptcy. It could have sold other assets(satellite or spectrum) at a reasonable price and pay off debts and commons would be saved. Most have lost 2.00 and more. To prevent appeals, lawsuit and fines in the future this company need to do the right thing.

Flag

42. 42

Name: John Hautala on Oct 4, 2012

Comments: Please keep the commons intact! I own 550,000 common shares.

Flag

43. 43

Name: Sally Hautala on Oct 4, 2012

Comments: 71,000 common shares. Depriving common shareholders of financial information is illegal. Keep the commons intact!

[Flag](#)

44. 44



Name: Michael S. Greer on Oct 4, 2012

Comments: Michael s. greer

[Flag](#)

45. 45

Name: Brad Mitchell on Oct 4, 2012

Comments: Owner of 500,000 shares.

[Flag](#)

46. 46

Name: Mark Kozemchak on Oct 4, 2012

Comments:

[Flag](#)

47. 47



Name: Jonathan Mccarthy on Oct 4, 2012

Comments:

[Flag](#)

48. 48

Name: Sung Han on Oct 4, 2012

Comments:

[Flag](#)

49. 49

Name: Angelo Garcia III on Oct 4, 2012

Comments:

[Flag](#)

50. 50

Name: Anonymous on Oct 4, 2012

Comments: I am a shareholder of the terrestar (tstrq) and i am fully behind the petition.

[Flag](#)

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1. 51

Name: Tanel Viilol on Oct 4, 2012

Comments: i want fair trial!

[Flag](#)

2. 52

Name: Agnes Sienicki on Oct 4, 2012

Comments: So in 2009 the company was incorporated to get common shareholders investments and filed for chap 11 in 2010 after their project was funded. If they used time wisely and was transparent enough assets previously sold, could have been sold at a higher price, saving the company from chapter 11. The 1.4 spectrum if sold in an transparent manner and based on comparative sale prices can go between 600 million to over a billion dollars which saves the commons. Furthermore Section 4.3 of article IV made provision for the commons, this is being ignored. A company should not be allowed to take advantage of its citizens, many families invest for a better future. The law is meant to protect citizens, judge Lane please do the wise and right thing.

[Flag](#)

3. 53

Name: Anonymous on Oct 4, 2012

Comments: Judge Lane, please order debtors to amend the POR to INCLUDE commons in the plan. Allow commons to sit at the table and SHARE in the leftovers. Not only do the preferreds want to feast without sharing, they plan to feast and not even throw commons a bone. Judge, we commons should be sitting at the table and sharing what's left over at the end of this BK. Assets are greater than liabilities. Don't let them use their undervalued appraisal of the spectrum. Market comps need to be used in valuing the remaining 1.4 spectrum. Do the fair thing and INCLUDE commons in the confirmed (amended WITH commons intact) POR.

[Flag](#)

4. 54

Name: Anonymous on Oct 4, 2012

Comments: How is it that the majority of common shareholders did not receive a ballot or proxy. If there is a check of existing common shareholder compared to ballots submitted, it will show the Majority did not have a vote or say. This is another example how insiders collude to defraud investors, the average citizen. Either the common be included in the POR for a minimum of 2.00 per share or the case is re-litigated in Virginia or Delaware with an equity committee and independent examiner of all assets for true values including those given to Dish Network. All transactions should be open, fair with all parties given enough time to view and bid without conditions,

not one company getting preferential treatment from the start. These initial action prevented other companies from bidding on the other Terrestar assets.

[Flag](#)

5. 55

Name: David Kostreva on Oct 4, 2012

Comments: TSTRQ holds an asset of 1.4Ghz spectrum which is valued at over 1 billion dollars and should be sold on the open market to the highest bidder and all current and existing common stock shareholders of TSTRQ are entitled to fair and equitable interest in the proceeds of this sale. The current Plan of Reorganization does not adequately preserve the rights and interests of current and existing common stock shareholders and I am signing this petition to reject this POR and seek this court's order for a POR which protects all current and existing common stock shareholders given the significant value of this company's asset, the 1.4 Ghz spectrum.

[Flag](#)

6. 56

Name: Andrzej Michulec on Oct 4, 2012

Comments: Jestem razem z wami pomimo że mieszkam w polsce, czekam na pozytywne rozwiązanie już ponad dwa lata mając w kieszeni prawie 300 000 akcji. Ciągle myślę że racja będzie po naszej stronie.

[Flag](#)

7. 57

Name: Anonymous on Oct 4, 2012

Comments:

[Flag](#)

8. 58

Name: Adam Wong on Oct 4, 2012

Comments:

[Flag](#)

9. 59

Name: CARLOS H MARTINEZ on Oct 4, 2012

Comments: I currently hold 1,000,000 shares. I strongly urge your Honor in this case to give special attention to the illegal practices by those in charge whom have only one intention, and that is, to steal and defraud us the common share holder while walking away with millions of our money. Sincerely, Carlos Martinez

[Flag](#)

10. 60

Name: Anonymous on Oct 4, 2012

Comments:

[Flag](#)

11. 61

Name: James P .Petrus on Oct 4, 2012

Comments:

[Flag](#)

12. 62

Name: Cliff on Oct 4, 2012

Comments:

[Flag](#)

13. 63

Name: Anonymous on Oct 4, 2012

Comments: Preserve common shareholder interest!

[Flag](#)

14. 64

Name: Kenneth Payne on Oct 4, 2012

Comments: presently own 1,266,000 common shares

[Flag](#)

15. 65

Name: Anonymous on Oct 4, 2012

Comments: 181000 shares

[Flag](#)

16. 66

Name: Julia Caceres Villalobos on Oct 4, 2012

Comments:

[Flag](#)

17. 67

Name: Anonymous on Oct 4, 2012

Comments:

[Flag](#)

18. 68

Name: Sung Han on Oct 4, 2012

Comments:

[Flag](#)

19. 69

Name: Amid Cossio on Oct 4, 2012

Comments:

[Flag](#)

20. 70

Name: Enid Gutierrez on Oct 4, 2012

Comments:

[Flag](#)

21. 71

Name: Juan J Quinonez on Oct 4, 2012

Comments:

Flag

22. 72

Name: Libia Cossio on Oct 4, 2012

Comments:

Flag

23. 73

Name: *Anonymous* on Oct 4, 2012

Comments:

Flag

24. 74

Name: *Anonymous* on Oct 4, 2012

Comments:

Flag

25. 75

Name: *Anonymous* on Oct 4, 2012

Comments:

Flag

26. 76

Name: Young S. Kim on Oct 4, 2012

Comments:

Flag

27. 77

Name: *Anonymous* on Oct 4, 2012

Comments: presently own 125,000 common shares

Flag

28. 78

Name: *Anonymous* on Oct 4, 2012

Comments: Please do not shut the commons out. We are the people who make companies succeed because we invest in them. It would be a travesty for the commons to get cancelled out here.

Flag

29. 79

Name: *Anonymous* on Oct 4, 2012

Comments:

Flag

30. 80

Name: William Faulkner on Oct 4, 2012

Comments:

Flag

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