

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ORIGINAL FILED

JAN - 3 2003

LAWRENCE K. BAERMAN, CLERK
ALBANY

In re:

JOHN A. DEEP,

Debtor

CHAPTER 13

1:03-CV-20 LER

Case No. 02-11552

In re:

BUDDY USA, INC.

Debtor

CHAPTER 11

1:03-CV-21

Case No. 02-11755

In re:

ABOVE PEER, INC.

Debtor

CHAPTER 11

1:03-CV-22

Case No. 02-11745

ORDER TO SHOW CAUSE SETTING HEARING ON MOTION FOR STAY
PENDING APPEAL WITH TEMPORARY RESTRAINING ORDER

UPON the affidavit of John A. Deep in support of an Order to Show Cause with Temporary Restraining Order enjoining any further proceedings in a certain action now pending in the District Court for the Northern District of Illinois, Eastern Division, entitled In re: Aimster Copyright Litigation, Master File No. 01 C 8936, pending determination of the motion for stay pending appeal pursuant to Bankruptcy Rule 8005 filed in connection with the appeal in the above captioned action from Order of the United States Bankruptcy Court entered on December 6, 2002 in said cases, and it appearing that cause for such relief exists, that it clearly appears from the facts shown by affidavit that immediate and irreparable injury, loss or damage will result to the applicant and the bankruptcy estates before the adverse party or their counsel can be heard in opposition, that there is no prejudice to the adverse party by the temporary injunction granted herein, that notice of the relief sought is impractical and impossible under the circumstances and exigencies as they exist, it is

ORDERED, that the hearing on the Motion of the Debtors pursuant to Bankruptcy Rule 8005 shall be heard, and all parties are directed to show cause at James T. Foley Federal Courthouse, 445 Broadway, Courtroom 7th fl, Albany, New York on the 9TH day of Jan., 2003 at 1:30 o'clock in the After noon of said day, or as soon thereafter as counsel may be heard, why such relief should not be granted, and it is

ORDERED, that all further District Court proceedings in the matter of IN RE: AIMSTER COPYRIGHT LITIGATION, Master File No. 01 C 8936 now pending in the United States District Court for the Northern District of Illinois, Eastern Division, are and they hereby shall be stayed pursuant to FRCP Rule 65 pending determination of said appeal.

Dated: ~~December~~ 1/3, 2003
Albany, New York

S/
HON.
United States District Court Judge

Moving party must serve all parties involved by 5:00 PM on January 6, 2003.