

NOT FOR PUBLICATION

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN

In re:	)	
	)	
	)	Civil No. 2007-39
EMERGING COMMUNICATIONS, INC.,	)	
	)	Chapter 11 Case No. 06-30007
Debtor.	)	
_____	)	

ATTORNEYS:

Douglas P. Bartner

599 Lexington Avenue, New York, NY 10022

*For Innovative Communication Company, LLC, and Emerging
Communications, Inc.,*

Carol Ann Rich

St. Thomas, U.S.V.I.

*For Innovative Communication Company, LLC, and Emerging
Communications, Inc.,*

Thomas Alkon, Esq.

St. Croix, U.S.V.I.

For Jeffrey J. Prosser,

Michael J. Lichtenstein, Esq.

Rockville, MD

For Jeffrey J. Prosser,

Robert F. Craig, Esq.

Omaha, NE

For Jeffrey J. Prosser,

Jeffrey B. Moorehead, Esq.

St. Croix, U.S.V.I.

For the Virgin Islands Public Services Commission,

Thomas J. Allingham, II., Esq.

Gregg M. Galardi, Esq.

Mark L. Desgrosseilliers, Esq.

Matthew P. Ward, Esq.

In re Innovative Communication Company, LLC
Civil No. 2007-39
Order
Page 2

Wilmington, DE
For Greenlight Capital Qualified, L.P., Greenlight Capital,
L.P., Greenlight Capital Offshore, Ltd.,

Matthew J. Duensing, Esq.
Richard H. Dollison, Esq.
St. Thomas, U.S.V.I.
For Greenlight Capital Qualified, L.P., Greenlight Capital,
L.P., Greenlight Capital Offshore, Ltd.

ORDER

GÓMEZ, C.J.

On February 22, 2007, Innovative Communication Company, LLC ("ICC-LLC"), Emerging Communications, Inc. ("ECI"), and Jeffrey J. Prosser ("Prosser") (collectively, the "Debtors") filed a notice of appeal from the February 13, 2007, orders of the United States Bankruptcy Court for the District of the Virgin Islands (the "Bankruptcy Division"), denying a motion for appointment of a responsible officer and granting a motion to appoint a Chapter 11 trustee in the underlying bankruptcy matter. That same day, the Court entered an Order stating that:

Appellant shall, not later than 10 days after the date of this Order, file and serve on the other parties the designation of record and statement of the issues to be presented, failing which the Appeal may be dismissed for failure to prosecute

. . . .

Appellant's brief shall be filed and served within 30 days of the date of this Order, or if the designated record includes a transcript, within 15

In re Innovative Communication Company, LLC
Civil No. 2007-39
Order
Page 3

days after the transcript is filed, whichever comes
later

(Order 1-2, Feb. 22, 2007.)

As of the date of this Order, the Debtors have not filed a designation of record, or an appellant's brief in this matter. Because the Debtors have failed to file these documents, the above-captioned appeal may be dismissed for failure to prosecute. *See, e.g., In re E Toys Inc.*, 263 Fed. Appx. 235, 238, 2008 WL 241367 at *2 (3d Cir. Jan. 30, 2008) (affirming the district court's dismissal of a bankruptcy appeal based on the appellant's "repeated failures to adhere to ordered briefing deadlines") (unpublished).

Accordingly, it is hereby

ORDERED that the Debtors, no later than August 19, 2009, shall show cause in writing why this matter should not be dismissed for failure to prosecute.

S\ _____
CURTIS V. GÓMEZ
Chief Judge