

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

November 5, 2018

Elisabeth A. Shumaker  
Clerk of Court

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SPRINT CORPORATION,

Petitioner,

v.

FEDERAL COMMUNICATIONS  
COMMISSION, et al.,

Respondents.

No. 18-9563  
(MCP No. 155)

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**PRELIMINARY ORDER  
REGARDING THE CONSOLIDATION ORDERED  
BY THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

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The United States Judicial Panel on Multidistrict Litigation has designated the United States Court of Appeals for the Tenth Circuit as the circuit in which to consolidate the various petitions for review filed in connection with the Federal Communications Commissions' *Declaratory Ruling and Report and Order*, FCC 18-133, 83 Fed. Reg. 51,867 (Oct. 15, 2018). The court issues this order to provide preliminary procedural guidance to the parties and their counsel.

**Consolidation**

The other circuits currently involved in this litigation will be transferring their pending cases to this circuit. Those transferred cases will be opened in due course. The court will address procedural consolidation at a later date, likely after the time period for intervention and for filing new petitions for review has expired. Therefore, the parties

need not file motions to consolidate. Moreover, once the cases are consolidated, any intervenor, party, or amicus in one proceeding will be deemed an intervenor, party, or amicus in the consolidated proceeding. Consequently, it is not necessary for an entity to move for intervention or amicus status in more than one individual review proceeding.

### **Preliminary Documents**

The deadline for filing the agency record is vacated. The record will be addressed, and a new deadline set, via separate order at a later date.

At this time, the court will only require entries of appearance and a docketing statement in each individual review proceeding. Accordingly, counsel for the parties to each review proceeding shall enter their appearance in the proceeding to which they are a party. The petitioner(s) in each individual review proceeding shall file a docketing statement in that proceeding only. The docketing statement shall have no attachments, notwithstanding any instructions to the contrary on the court's standard form. In the section labeled "Issues Raised on Appeal," the petitioner(s) shall succinctly but clearly identify, without argumentation, those portions of the rule the petitioner(s) anticipate challenging on review. The identification of issues is not binding or controlling. 10th Cir. R. 3.4(B). The court merely intends to identify common issues among the multiple petitions for review that will be filed in connection with FCC 18-133.

All pleadings shall include MCP No. 155 in the caption.

### **Bar Membership and ECF filing Privileges**

In order to file anything in this circuit, the filer must be registered with our CM/ECF system. Further, any attorney whose name appears on any paper filed in this

court must enter an appearance, and any attorney entering an appearance must become a member of this court's bar. *See* 10th Cir. R. 46.1(A) and 46.2(A). Information about registering for CM/ECF filing in this circuit and joining our bar is available on the court's website [www.ca10.uscourts.gov](http://www.ca10.uscourts.gov), under the "Case Management/File a Document" tab and the "Attorneys/Attorney Admissions" tab.

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro  
Counsel to the Clerk