

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:	§	
	§	Chapter 11
	§	
SPEEDCAST INTERNATIONAL	§	Case No. 20-32243 (MI)
LIMITED, <i>et al.</i> ,	§	
	§	(Jointly Administered)
Reorganized Debtors. ¹	§	
	§	

DESIGNATION OF ITEMS TO BE INCLUDED IN THE REOCD AND STATEMENT
OF ISSUES TO BE PRESENTED ON APPEAL FROM ORDER DENYING
INMARSAT'S MOTION FOR ADMINISTRATIVE EXPENSE CLAIM PURSUANT
TO BANKRUPTCY CODE SECTIONS 105, 365(D)(3) AND 503(B)(1)(A)

[relates to Docket No. 1816]

Pursuant to Rule 8009(a) of the Federal Rules of Bankruptcy Procedure, appellants Inmarsat Global Limited, Inmarsat Solutions B.V., Inmarsat Maritime Ventures, Ltd., Inmarsat Inc., Inmarsat Solutions (US) Inc., Inmarsat Solutions (Canada) Inc., and Inmarsat Solutions AS Norway (collectively, "Inmarsat"), creditors in the captioned cases, respectfully submit the following designation of the record and statement of the issues to be presented and determined in their appeal from the *Order Denying Inmarsat's Application for Administrative Expense Claim* (the "Administrative Expense Order") [Dkt. No. 1799] and accompanying *Memorandum Opinion* (the "Memorandum Opinion") [Dkt. No. 1798]:

¹ A complete list of the Reorganized Debtors in these chapter 11 cases may be obtained on the website of the Reorganized Debtors' claims and noticing agent at <http://www.kccllc.net/speedcast>. The Reorganized Debtors' service address for the purposes of these chapter 11 cases is 4400 S. Sam Houston Parkway East, Houston, Texas 77048.



DESIGNATION OF THE RECORD

Inmarsat respectfully designates the following items to be included in the appellate record pursuant to Bankruptcy Rule 8009(a). Each designated item shall include all exhibits and/or attachments to such item.

ECF No.	Date	Description
950	11/13/2020	Motion of Debtors for Entry of an Order (I) Authorizing and Approving Inmarsat Transaction, Including (A) Private Sale Free and Clear of All Liens, Claims, Encumbrances, and Other Interests, (B) Assumption and Assignment of Certain Contracts, and (C) Settlement and Release of Claims, (II) Approving Form and Manner of Notices of Inmarsat Transaction, and (III) Granting Related Relief
951	11/13/2020	[Sealed] ² Exhibits C and D to Motion of Debtors for Entry of an Order (I) Authorizing and Approving Inmarsat Transaction, Including (A) Private Sale Free and Clear of All Liens, Claims, Encumbrances, and Other Interests, (B) Assumption and Assignment of Certain Contracts, and (C) Settlement and Release of Claims, (II) Approving Form and Manner of Notices of Inmarsat Transaction, and (III) Granting Related Relief
952	11/13/2020	Declaration of Elliott Etheridge-Yan in Support of Motion of Debtors for Entry of an Order (I) Authorizing and Approving Inmarsat Transaction, Including (A) Private Sale Free and Clear of All Liens, Claims, Encumbrances, and Other Interests, (B) Assumption and Assignment of Certain Contracts, and (C) Settlement and Release of Claims, (II) Approving Form and Manner of Notices of Inmarsat Transaction, and (III) Granting Related Relief
953	11/13/2020	Declaration of Tony Bates in Support of Motion to Approve Inmarsat Transaction, Asset Sale Agreement and Other Transaction Agreements (Filed by SpeedCast International Limited)

² Sealed Exhibits were filed under seal in the Bankruptcy case pursuant to the applicable rules and order of the Court.

1044	12/8/2020	Certificate of No Objection to Motion of Debtors for Entry of an Order (I) Authorizing and Approving Inmarsat Transaction, Including (A) Private Sale Free and Clear of All Liens, Claims, Encumbrances, and Other Interests, (B) Assumption and Assignment of Certain Contracts, and (C) Settlement and Release of Claims, (II) Approving Form and Manner of Notices of Inmarsat Transaction, and (III) Granting Related Relief
1071	12/11/2020	Order (I) Authorizing and Approving Inmarsat Transaction, Including (A) Private Sale Free and Clear of All Liens, Claims, Encumbrances, and Other Interests, (B) Assumptions and Assignment of Certain Contracts, and (C) Settlement and Release of Claims, (II) Approving Form and Manner of Notices of Inmarsat Transaction, and (III) Granting Related Relief
1532	4/9/2021	Inmarsat Global Limited, Inmarsat Solutions B.V., Inmarsat Maritime Ventures Ltd., Inmarsat Inc., Inmarsat Solutions (US) Inc., Inmarsat Solutions (Canada) Inc., and Inmarsat Solutions AS Norway's, Application for Allowance of Administrative Expense Claim
1562	4/30/2021	Reorganized Debtors' Limited Objection to Inmarsat's Application for Allowance of Administrative Expense Claim (Filed by SpeedCast International Limited)
1567	5/3/2021	Notice of Hearing on Inmarsat Global Limited, Inmarsat Solutions B.V., Inmarsat Maritime Ventures, Ltd., Inmarsat Inc., Inmarsat Solutions (US) Inc., Inmarsat Solutions (Canada) Inc., and Inmarsat Solutions AS Norway's, Application for Allowance of Administrative Expense Claim; to be Held on June 17, 2021 at 9:00 a.m. (Prevailing Central Time)
1628	6/14/2021	Joint Status Update For June 17, 2021 Hearing
1629	6/14/2021	Inmarsat Response to Reorganized Debtors' Limited Objection to Application for Allowance of Administrative Expense Claim
1630	6/14/2021	Inmarsat Global Limited, Inmarsat Solutions B.V., Inmarsat Maritime Ventures Ltd., Inmarsat Inc., Inmarsat Solutions (US) Inc., Inmarsat Solutions (Canada) Inc., and Inmarsat Solutions

		AS Norway's Unopposed Emergency Motion for Authorization to File Exhibits to the Declaration of Steven Burnett Under Seal
1632	6/15/2021	Reorganized Debtors' Witness and Exhibit List for June 17, 2021 Video/Telephonic Hearing on Inmarsat's Application for Allowance of Administrative Expense Claim
1634	6/15/2021	Inmarsat's Witness and Exhibit List for Hearing Scheduled June 17, 2021 at 9:00 a.m.
N/A	6/17/2021	Hearing Transcript (ordered at Dkt. No. 1820)
1640	6/23/2021	Stipulation of Agreed Facts
1641	6/23/2021	Supplement to Reorganized Debtors' Limited Objection to Inmarsat's Application for Allowance of Administrative Expense Claim
1643	6/23/2021	Reorganized Debtors' Supplemental Exhibit List for June 24, 2021 Video/Telephonic Hearing on Inmarsat's Application for Allowance of Administrative Expense Claim
N/A	6/24/2021	Hearing Transcript (ordered at Dkt. No. 1821)
1652	7/7/2021	Order Authorizing Inmarsat Global Limited, Inmarsat Solutions B.V., Inmarsat Maritime Ventures Ltd., Inmarsat Inc., Inmarsat Solutions (US) Inc., Inmarsat Solutions (Canada) Inc., and Inmarsat Solutions AS Norway to File Exhibits to the Declaration of Steven Burnett Under Seal
1798	12/21/2021	Memorandum Opinion
1799	12/21/2021	Order re: Memorandum Opinion
1813	12/31/2021	Notice of Appeal
1814	12/31/2021	Election to Appeal to District Court
1816	1/4/2022	Notice of Filing of an Appeal by Inmarsat Global Limited, Inmarsat Solutions B.V., Inmarsat Maritime Ventures, Ltd., Inmarsat Inc., Inmarsat Solutions (US) Inc., Inmarsat Solutions (Canada) Inc., and Inmarsat Solutions AS Norway
1820	1/14/22	Transcript Order (6/17/21 Hearing)
1821	1/14/22	Transcript Order (6/24/21 Hearing)

STATEMENT OF ISSUES ON APPEAL

ISSUE 1: Whether the Bankruptcy Court erred as a matter of law in deciding that a Shortfall Amount under the Strategic Alliance Agreement was not a Permitted Claim under the Deed of Termination and Release.

ISSUE 2: Whether the Bankruptcy Court erroneously decided that Inmarsat delivered its services solely “under” the Master Service Agreement.

ISSUE 3: Whether the Bankruptcy Court erred in failing to consider that the Strategic Alliance Agreement established the essential price term for Fleet Xpress services that was applied to all 2020 Fleet Xpress invoices and that such services were delivered because the parties had agreed on the Take-or-Pay price and discount set by the Strategic Alliance Agreement.

ISSUE 4: Whether the Bankruptcy Court erred in failing to consider that, if the Strategic Alliance Agreement were not the agreement “under” which services were provided, then the Strategic Alliance Agreement’s discount provisions cannot be applied to the price paid by Speedcast, and Inmarsat is thus owed at least the discounted amount that Speedcast received as if Speedcast had satisfied the Strategic Alliance Agreement’s Take-or-Pay provision.

RESERVATION OF RIGHTS

Inmarsat expressly reserves, and does not waive, its right to supplement this statement. This filing is made expressly subject to, and without waiver of any and all rights, remedies, challenges, and objections.

Dated: January 14, 2022
Houston, Texas

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-and-

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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2022, a true and correct copy of the foregoing was served on all parties entitled to receive notice through the Court's CM/ECF automatic electronic notice system.

By: /s/ Bob B. Bruner
Bob B. Bruner