

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SKYWI, INC.  
a Nevada corporation,

Plaintiff,

vs.

Case No. 08-CV-01122 WJ/RLP

QWEST CORPORATION,  
a Colorado corporation,

Defendant.

**UNOPPOSED MOTION TO VACATE AND CONTINUE THE HEARING ON  
PLAINTIFF'S AMENDED MOTION FOR PRELIMINARY INJUNCTION**

COMES NOW Plaintiff SkyWi, Inc. ("SkyWi"), by and through its counsel of record, Cuddy & McCarthy, LLP (Patricia Salazar Ives, M. Karen Kilgore, Andrew M. Sanchez and Jennifer Lee Bradley), and moves this Court pursuant to D.N.M.LR-Civ. 7.2 for its order vacating and continuing the hearing currently scheduled for Tuesday, January 13, 2009 on Plaintiff's Amended Motion for Preliminary Injunction (**Docs. # 10, 11, 20 and 39**). Defendant has been contacted and does not oppose this Motion.

The continuance of the scheduled hearing is requested to allow the Parties to continue negotiations with a third party seeking to purchase part of Plaintiff's companies which may negate the need for injunctive relief in this case. The negotiations between the Parties and the third party are anticipated to continue through the end of the month of January. As such, Plaintiff requests that the hearing on Plaintiff's Amended Motion for Preliminary Injunction be rescheduled at the Court's convenience after February 2, 2009.

Plaintiff would like an opportunity to complete its negotiations to avoid the expense and time necessary to adjudicate the application for injunctive relief when the relief may not be necessary should an agreement be reached. The continuance would, thus, also serve judicial economy by preventing use of the Court's already strained resources to decide the issue of preliminary injunctive relief which may not be necessary in the full and final adjudication of the case.

Respectfully submitted,

CUDDY & McCARTHY, LLP

By: *electronically filed on January 12, 2009*

ANDREW M. SANCHEZ  
JENNIFER LEE BRADLEY  
**ATTORNEYS FOR SKYWI, INC.**  
7770 Jefferson Street, N.E., Suite 305  
Albuquerque, New Mexico 87109-4386  
(505) 888-1335 FAX (505) 888-1369

PATRICIA SALAZAR IVES  
M. KAREN KILGORE  
**ATTORNEYS FOR SKYWI, INC.**  
1701 Old Pecos Trail  
Post Office Box 4160  
Santa Fe, New Mexico 87502-4160  
(505) 988-4476 FAX (505) 954-7373

I HEREBY CERTIFY that on the 12<sup>th</sup> day of January, 2009, the foregoing pleading was electronically filed through the Court's CM/ECF system, which caused the foregoing parties or counsel of record to be served by electronic means as more reflected on the Notice of Electronic Filing:

ERIC BURRIS  
Brownstein | Hyatt | Farber | Schreck LLP  
**ATTORNEYS FOR DEFENDANT QWEST  
CORPORATION**  
201 3<sup>rd</sup> Street, N.W., Suite 1700  
Albuquerque, New Mexico 87102-4386  
(505) 244-0770  
FAX: (505) 244-9266

PETER J. KORNEFFEL  
Brownstein | Hyatt | Farber | Schreck LLP  
**ATTORNEYS FOR DEFENDANT QWEST  
CORPORATION**  
410 seventeenth Street, Suite 2200  
Denver, Colorado 80202

on the 12<sup>th</sup> day of January, 2009.

*electronically filed on January 12, 2009*  
ANDREW M. SANCHEZ