

# **EXHIBIT C**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 02-12489-RWZ

GLOBAL NAPS, INC.

v.

VERIZON NEW ENGLAND, INC., et al.

MEMORANDUM OF DECISION

November 9, 2005

ZOBEL, D.J.

The Court of Appeals remanded for the sole purpose of determining the amount of additional security Global Naps shall give to obtain an injunction from the Court of Appeals against any cutoff of services pending resolution of the appeal.

Verizon proposes an amount of \$55 million cash or bond plus monthly supplemental amounts equal to Verizon's monthly invoices for access charges.

Global Naps proposes to immediately assign and pay to Verizon \$16,676,313 which Verizon admittedly owes to the Global Naps entities and to assign monthly any additional sums as they come due.

Verizon's proposal will certainly render any appeal impossible. The difficulty with Global Naps' proposal is that it combines amounts due this plaintiff from this defendant with amounts due several other Global Nap entities from other Verizon entities. The record is not clear as to the authority of this plaintiff to use or encumber the monies due other entities.

Upon consideration of the parties' positions, the amounts allegedly and admittedly owed by the parties to each other, the additional debt to Verizon plaintiff may incur until the end of the litigation, and the desirability of appellate review, it is ordered, that plaintiff shall provide additional security in the amount of \$15 million in cash, by bond, or by assignment of monies due it or its related entities to the extent they agree to make such funds available.

\_\_\_\_\_  
DATE

/s/ Rya W. Zobel \_\_\_\_\_  
RYA W. ZOBEL  
UNITED STATES DISTRICT JUDGE