

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

In re:

U.S. TELEPACIFIC CORP., *et al.*,¹

Debtors.

Chapter 11

Case No. 26-90625 (ARP)

(Jointly Administered)

U.S. TELEPACIFIC CORP., d/b/a TPx
Communications,

Plaintiff,

v.

ARISTA NETWORKS, INC.,

Defendant.

Adv. Pro. No. 26-03638-arp

**PLAINTIFF U.S. TELEPACIFIC CORP. D/B/A TPx COMMUNICATIONS'
MOTION FOR A PRELIMINARY INJUNCTION**

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response may state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.

¹ The Debtors in these chapter 11 cases, together with the last four digits of the Debtors' federal tax identification numbers, are: U.S. TelePacific Holdings Corp. (0151); Mpower Holding Corporation (N/A); Mpower Communications Corp. (0042); TPx International Holdings Corp. (N/A); U.S. TelePacific Corp. (3876); NextWeb, Inc. (7530); DSCI, LLC (1304); OCIX, Inc. (2715); Arrival Communications, Inc. (2990); TPx Communications Co. (8824); Big City Networks, Inc. (N/A); and ICG ChoiceCom L.P. (N/A). The Debtors' service address is Plaza 7000 North Mopac Expressway, Suite 2080, Austin, TX 78731.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE ALFREDO R. PÉREZ:

U.S. TelePacific Corp. d/b/a TPx Communications (“TPx” or the “Debtor”) and its debtor affiliates, as debtors and debtors-in-possession in the above-captioned chapter 11 cases (collectively, the “Debtors”), by and through undersigned counsel, hereby moves this Court for an Order granting TPx’s Motion for a Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65(a) and Federal Rule of Bankruptcy Procedure 7065 (the “Motion”), seeking to enjoin Defendant Arista Networks, Inc. (“Arista”) from restricting, diminishing, conditioning, or otherwise interfering with TPx’s access to or use of the software support, services, functionality, and administrative capabilities to which TPx had access prior to May 6, 2026. The Motion is supported by the Memorandum of Law in Support of Plaintiff’s Motion for a Preliminary Injunction (“Memorandum of Law”); the Declaration of David Zahn in Support of the Memorandum of Law (the “Zahn Decl.”); and the documentary evidence submitted contemporaneously therewith.

WHEREFORE, for the reasons explained in the accompanying Memorandum of Law, TPx respectfully requests that the Court grant its Motion for a Preliminary Injunction, enter an order substantially in the form attached hereto, and grant such other relief as is just and proper.

LOCAL RULE 7.1(D) CERTIFICATION

The movant has conferred with respondent, and counsel cannot agree about the disposition of this Motion.

Dated: August 28, 2026
Houston, Texas

/s/ Chelsea McManus

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*Attorneys for the Debtors
and Debtors in Possession*

Certificate of Service

I certify that on August 28, 2026, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Chelsea McManus
Chelsea McManus

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**[PROPOSED] ORDER GRANTING PLAINTIFF U.S. TELEPACIFIC CORP. D/B/A
TPx COMMUNICATIONS' MOTION FOR A PRELIMINARY INJUNCTION**

Before the Court is Plaintiff U.S. TelePacific Corp. d/b/a TPx Communications' ("TPx") *Motion for a Preliminary Injunction* (the "Motion"). After review of TPx's Motion and the Adversary Complaint, and after consideration of all evidence and arguments of counsel at a hearing held on _____, 2026 (the "Hearing"), the Court determines that the four factors required for a preliminary injunction under Federal Rule of Civil Procedure 65(a), applicable in this adversary proceeding pursuant to Federal Rule of Bankruptcy Procedure 7065, demonstrate that a

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preliminary injunction is necessary to maintain the status quo. The Court GRANTS TPx's Motion, as detailed below.

BASED UPON THE RECORD ESTABLISHED AT THE HEARING, AND UPON THE PLEADINGS, THE COURT MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. TPx is likely to succeed on the merits of its claims against Defendant Arista Networks, Inc. ("Arista") for breach of contract, breach of the implied covenant of good faith and fair dealing, and/or violation of the automatic stay;

2. TPx has performed all its obligations and all conditions precedent to bringing this action and its Motion;

3. TPx is likely to suffer irreparable harm—including harm during its restructuring, loss of control over estate assets, loss of customer goodwill, and diminished reputation—if Arista is permitted to interfere with TPx's access to or use of the software support, services, functionality, and administrative capabilities to which TPx had access before May 6, 2026;

4. The balance of hardships favors injunctive relief. Without an injunction, TPx faces substantial, irreversible harm, and Arista comparatively would experience little harm from having to return to its decade-long offering of services;

5. The public interest favors injunctive relief; and

6. Pursuant to Bankruptcy Rule 7065, the Debtor is relieved from posting any security otherwise required by Civil Rule 65(c).

7. Arista was provided with notice of TPx's Motion, along with the Complaint and attached documents, as well as provided with the date, time, and place of any hearing and/or conference where the Court considered these filings; Counsel for Arista attended and participated in the Hearing before this Court.

IT IS HEREBY ORDERED THAT:

1. Arista, its respective members, directors, officers, agents, servants, employees and attorneys, and all those acting in concert or participating with it are **PRELIMINARILY ENJOINED** from restricting, diminishing, conditioning, or otherwise interfering with TPx's access to or use of the software support, services, functionality, and administrative capabilities to which TPx had access prior to May 6, 2026.

2. The above preliminary injunction is effective immediately upon all persons having active or constructive knowledge of this Order, which must be served on Arista through its counsel, by email, no later than 5:00 p.m. the day this Order is signed.

3. This preliminary injunction will continue until final judgment is entered by this Court, or until otherwise ordered by this Court.

Signed: _____, 2026.

The Honorable Alfredo R. Pérez
United States Bankruptcy Judge