

Dated: September 12, 2016

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

/s/ Terri L. Combs

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*Attorneys for Plaintiff MCC Iowa, LLC,
d/b/a Mediacom*

CERTIFICATE OF SERVICE

I, hereby certify that on this 12th day of September 2016, I electronically filed the foregoing document with the Clerk of Court using the ECM/ECF system which will send a notice of electronic filing to the following counsel of record.

Dated: September 12, 2016

/s/ Paulette Ohnemus

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Attorneys for Defendant ImOn Communications, LLC

U.S. COURT OF APPEALS - EIGHTH CIRCUIT
APPELLANT'S FORM A
Appeal Information Form
To be filed with the Notice of Appeal

Appeal Docket No. _____

STYLE OF CASE:

COUNSEL: NAME, ADDRESS, AND TELEPHONE NUMBER

MCC IOWA LLC d/b/a MEDIACOM,
Appellant,
vs.

Terri L. Combs, Esq.
Lance W. Lange, Esq.
Elizabeth J. Thompson, Esq.
801 Grand Avenue, 33rd Floor
Des Moines, Iowa 50309
Telephone: (515) 248-9000

THE CITY OF IOWA CITY, IMON
COMMUNICATIONS, LLC, f/k/a JB
AND SG COMMUNICATIONS, LLC,
Appellees.

COUNSEL: NAME, ADDRESS, AND TELEPHONE NUMBER

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LIST ISSUES ON APPEAL (For administrative purposes). You may indicate that this also serves as your statement of issues under FRAP 10(b)(3). () Yes. (X) No.

The issues that Mediacom may raise on appeal include but are not limited to the following:

Whether the District Court erred as a matter of law in granting the Defendants' motions for summary judgment and in dismissing the Plaintiff's claims, including but not limited to:

- in finding that there was no genuine factual dispute regarding whether the Defendants have entered into a franchise agreement and further, in necessarily holding as a matter of law that the Defendants have not entered a franchise agreement within the meaning of 47 U.S.C. § 522(9);

- in necessarily holding that a cable company already operating a cable system and intending to extend its cable system into a new territory did not need to have a valid cable television franchise in place before constructing the system;
- in necessarily holding that Defendant Iowa City's Cable Television Franchise Enabling Ordinance and/or related Iowa state law, which requires a valid cable franchise prior to construction of a cable system, was preempted by federal law;
- in holding that the Plaintiff and Defendant ImOn were not similarly situated and dismissing Plaintiff's Equal Protection claim;
- in necessarily holding that Defendant Iowa City's passing of ordinances approving the Defendants' arrangements was not illegal and not ultra vires; and
- in dismissing with prejudice each of the Plaintiff's state law claims.

Whether the District Court erred as a matter of law in finding that there were not genuine issues of material fact precluding judgment as a matter of law and in failing to consider material facts relevant to that determination.

Whether the District Court erred as a matter of law in granting summary judgment on grounds other than those raised by the Defendants in their motion without providing the notice and opportunity to respond required by Rule 56(f).

Whether the District Court abused its discretion in denying Plaintiff's motion under Federal Rule of Civil Procedure 56(d) to deny or stay Defendants' motion for summary judgment so as to provide the Plaintiff a fair opportunity to conduct discovery regarding disputed factual issues essential to justify its opposition.

FOR LEAD COUNSEL ONLY

I X have (___ have not) discussed settlement possibilities or appeal with my client.
This appeal ___ is (X is not) amenable to settlement.

Submitted by: /s/ Terri L. Combs 9/12/2016
Signature of Lead Counsel Date

INSTRUCTIONS:

Filing of appellant's For A is required to be submitted to the Clerk of the District Court with the Notice of Appeal (8 Cir. Rule 3B).

If inadvertently omitted, appellant may file Form A directly with the Clerk of the Court of Appeals before appeal is docketed.

Forms are available at the District Court Clerk's Office and may also be obtained electronically at: www.ca8.uscourts.gov

Copy 1 – White – Send to Appellee (together with an uncompleted Form B)

Copies 2 & 3 – Canary & Pink – Send to Clerk, District Court with Notice of Appeal or Eighth Circuit (see above)

Copy 4 - Retain

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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF IOWA
OFFICE OF THE CLERK
P. O. BOX 9344
DES MOINES, IA. 50306-9344
515-284-6248

Civil Case Notice of Appeal Supplement

COUNSEL FOR APPELLANT PLEASE COMPLETE AND SUBMIT WITH NOTICE OF APPEAL

Case Name: MCC Iowa LLC d/b/a Mediacom vs. The City of Iowa City, ImOn
Communications, LLC f/k/a JB and SG
District Court Case # 3 : 15 - cv - 143 Communications, LLC

Appeal Fee (\$505.00) Status Pd IFP Pending Govt. Appeal

Counsel Appointed CJA Retained Pro Se

Appeal filed by Counsel Pro Se

Any reason why counsel should not be appointed N/A

Pending post Judgment motions: Yes No

Type of Motion(s) N/A

High Public Interest Case Yes No

Simultaneous Opinion Release Requested Yes No

Trial Held Yes No

Jury Trial Held Yes No

Court Reporter Yes No Length of Trial N/A

Reporter's Name N/A

Address _____

Phone _____

Transcript Ordered Yes No (Transcripts for 5/25/16 and 7/11/16 hearing previously ordered. Transcript for 6/16/16

Appealing: Order prior to final judgment Final Judgment hearing will be ordered today).

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