UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

UNIVERSAL COMMUNICATIONS SYSTEMS, INC., a Nevada Corporation, and MICHAEL J. ZWEBNER, individually and on behalf of all others similarly situated, Plaintiffs)))))
v. LYCOS, INC. and TERRA LYCO, INC., d/b/a) CIVIL ACTION) NO. 05-10435-REK) CONSOLIDATED WITH
THE LYCOS NETWORK, Defendants) NO. 05-11172-REK)
UNIVERSAL COMMUNICATIONS SYSTEMS, INC., a Nevada Corporation, and MICHAEL J. ZWEBNER,)))
Plaintiffs) CONSOLIDATED PROCEEDINGS
V.) CIVIL ACTION) NO. 05-11172-REK
LYCOS, INC, a Spanish Company with its USA Offices in Miami Dade County, Florida, d/b/a LYCOS NETWORK and) LEAD CASE)
TERRA NETWORKS, S.A., Defendants)))

Procedural Order July 26, 2005

It appears from the face of the complaints in Civil Action Numbers 05-10435 and

05-11172 that the cases are closely related. Therefore, I order that the two cases be consolidated

and, because the plaintiffs' counsel indicated during the hearing held on July 26, 2005, that the

plaintiffs planned to proceed primarily based upon the complaint in Civil Action Number 05-

11172, I will take the unusual step of designating the junior case, 05-11172, as the lead case. It is the practice of this court that all filings in consolidated cases be made in the lead case.

All pending motions in both cases are denied without prejudice. This court will not countenance the scorched-earth tactics in which the parties and their counsel have previously engaged. The docket makes abundantly clear that the parties and their attorneys have failed to engage in good faith consultation for the purpose of narrowing issues. I instruct the Clerk to remove all motions in this case from the list of pending motions and note that they are denied without prejudice.

The docket indicates that discovery in this case has been stayed pending resolution of the pending motions to dismiss. Although I have denied the motions, I will not lift the stay on discovery at this time.

A status conference is set for Wednesday, September 28, 2005, at 2:00 p.m.

/s/Robert E. Keeton Robert E. Keeton Senior United States District Judge