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Co-counsel for Successor Litigation Trustee

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

In re:

EXTENDED STAY INC., et al.,

Debtors.

----- X

Case No. 09-13764 (JLG)

Chapter 11

(Jointly Administered)

**AMENDED NOTICE OF HEARING ON LITIGATION TRUSTEE’S
EIGHTH OMNIBUS OBJECTION TO CLAIMS
(Duplicate Claims filed by Kevin McDougall)**

PLEASE TAKE NOTICE that on January 17, 2012, Walker, Truesdell, Roth & Associates and Hobart G. Truesdell in their capacity as the Litigation Trustee filed the *Litigation Trustee’s Eighth Omnibus Objection to Claims (Duplicate Claims filed by Kevin McDougall)* (the “Objection”). The Objection was originally noticed for hearing on March 15, 2012 and adjourned thereafter to a date to be determined. A copy of the Objection (excluding the original proposed order and exhibits, but including the Declaration of Sharon Roth) is attached hereto as Exhibit B.

PLEASE TAKE FURTHER NOTICE that Finnarr O’Connor, in his capacity as Successor Litigation Trustee for and on behalf of the Extended Stay Litigation Trust (the “Trustee”) hereby moves forward with hearing on the Objection, and a hearing on the Objection will be held before the Honorable James L. Garrity, United States Bankruptcy Judge, on **July 25, 2023 at 10:00 a.m.** (prevailing Eastern Time) via Court Solutions LLC, and parties may register to listen or participate at www.court-solutions.com.

PLEASE TAKE FURTHER NOTICE that the attached Exhibit A sets forth the revised form of Order, including Exhibit 1 thereto, which sets forth the claims to be disallowed and expunged in their entirety.

PLEASE TAKE FURTHER NOTICE that responses, if any, to the Objection shall be in writing, shall conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court for the Southern District of New York, shall set forth the



name of the objecting party, the basis for the objection and the specific grounds thereof, shall be filed with the Bankruptcy Court electronically in accordance with the General Order M-399 (which can be found at <http://www.nysb.uscourts.gov>) by registered users of the Bankruptcy Court's case filing system and by all other parties in interest, in a text-searchable document format and with two hard copies delivered directly to the chambers of the Honorable James L. Garrity, and shall be served upon (i) Thompson Coburn Hahn & Hessen LLP, attorneys for the Successor Litigation Trustee, 488 Madison Avenue, New York, NY 10011, Attn: Mark T. Power, Esq., and Joseph Orbach, Esq.; (ii) Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, New York 10153, Attn: Jessica Liou, Esq., attorneys for the Debtors; (iii) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21st Floor, New York, New York 10004, Attn: Paul Schwartzberg, Esq.; (iv) Fried, Frank, Harris, Shriver & Jacobson LLP, One New York Plaza, New York, New York 10004, Attn: Jennifer Rodburg, Esq., attorneys for Newco; and (v) TREO Asset Management, foconnor@treoam.com, Attn: Finbarr O'Connor, so as to be filed and received by no later than June 27, 2023 at 4:00 p.m. (prevailing Eastern Time) (the "Response Deadline").

PLEASE TAKE FURTHER NOTICE that if a response to the Objection is not received by the Response Deadline, the relief requested shall be deemed unopposed, and the Bankruptcy Court may enter an order substantially in the form annexed as Exhibit A, granting the relief sought without a hearing.

PLEASE TAKE FURTHER NOTICE that the hearing may be continued or adjourned thereafter from time to time without further notice other than an announcement of the adjourned date or dates at the hearing.

PLEASE TAKE FURTHER NOTICE that if you have questions about the Objection or would like to resolve an objection to your claim prior to the Hearing, please contact Joseph Orbach, Esq. at jorbach@thompsoncoburn.com.

Dated: New York, New York
June 6, 2023

THOMPSON COBURN HAHN & HESSEN LLP

By: */s/ Joseph Orbach*
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EXHIBIT A

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

EXTENDED STAY INC., et al.,

Debtors.

----- X

Case No. 09-13764 (JLG)

Chapter 11

(Jointly Administered)

**ORDER GRANTING LITIGATION TRUSTEE'S
EIGHTH OMNIBUS OBJECTION TO CLAIMS
(Duplicate Claims filed by Kevin McDougall)**

Upon the Successor Litigation Trustee's (the "Trustee") Eighth Omnibus Objection to Claims (Duplicate Claims filed by Kevin McDougall) (the "Objection," Docket No. 1552), dated January 17, 2012, seeking to disallow and expunge certain claims filed by Kevin McDougall, all as more fully set forth in the Objection; and this Court having jurisdiction to consider the Objection and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334 and the Standing Order of Referral of Cases to Bankruptcy Court Judges of the District Court for the Southern District of New York, dated July 19, 1984 (Ward, Acting C.J.); and consideration of the Objection and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Objection having been provided to (i) Kevin McDougall, (ii) the United States Trustee for the Southern District of New

York, (iii) counsel to Newco, (iv) counsel to the Debtors, and (v) those parties included on the latest master service list on file in these chapter 11 cases, and it appearing that no other or further notice need be provided; and a hearing having been scheduled on the Objection for July 25, 2023; and the Court having determined that the relief sought in the Objection is in the best interests of the Plan Debtors, their estates, and their creditors; and the Court having determined that the legal and factual bases set forth in the Objection establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the Objection is granted; and it is further

ORDERED that each of the claims listed on Exhibit 1 attached hereto is hereby disallowed and expunged in its entirety; and it is further

ORDERED that the claims agent is authorized and directed, pursuant to this Order, to modify the official claims registry in these chapter 11 cases as necessary to implement the relief granted in this Order; and it is further

ORDERED that the Trustee's rights and defenses with respect to any claims filed by Kevin McDougall, including those listed in Exhibit 1 attached hereto shall be preserved, including, but not limited to, the right to further object to the claims on any basis; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from the interpretation and/or implementation of this Order.

Dated: , 2023
New York, New York

Honorable James L. Garrity
United States Bankruptcy Judge

EXHIBIT 1

Duplicate and/or Amended Claims to be Disallowed and Expunged in Their Entirety

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Surviving Claim	Objection Page Reference
1	Kevin McDougall	626	Homestead Village L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
2	Kevin McDougall	647	ESA MD Properties Business Trust	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
3	Kevin McDougall	649	ESA P Portfolio MD Beneficiary L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
4	Kevin McDougall	652	ESA 2005-Waltham L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
5	Kevin McDougall	657	ESA Canada Properties Trust	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
6	Kevin McDougall	662	ESA Acquisition Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
7	Kevin McDougall	665	ESA Canada Trustee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
8	Kevin McDougall	670	ESH/Homestead Mezz 5 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Surviving Claim	Objection Page Reference
9	Kevin McDougall	672	ESH/Homestead Portfolio L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
10	Kevin McDougall	674	ESA Canada Beneficiary Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
11	Kevin McDougall	678	ESA Alaska L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
12	Kevin McDougall	684	ESA P Mezz 5 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
13	Kevin McDougall	689	ESA UD Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
14	Kevin McDougall	694	ESA 2007 Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
15	Kevin McDougall	699	ESA Mezz 5 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
16	Kevin McDougall	710	ESA Canada Properties Borrower L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
17	Kevin McDougall	712	ESH/HV Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Surviving Claim	Objection Page Reference
18	Kevin McDougall	719	ESA 2005 Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
19	Kevin McDougall	720	ESH/Homestead Mezz 6 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
20	Kevin McDougall	726	ESA Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
21	Kevin McDougall	732	ESH/MSTX Property L.P.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
22	Kevin McDougall	736	ESA FL Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
23	Kevin McDougall	739	ESA P Mezz 6 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
24	Kevin McDougall	745	ESH/TN Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
25	Kevin McDougall	747	ESA MD Borrower L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
26	Kevin McDougall	753	ESA P Portfolio Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Surviving Claim	Objection Page Reference
27	Kevin McDougall	755	ESA Mezz 6 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
28	Kevin McDougall	760	ESA Business Trust	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
29	Kevin McDougall	769	ESA MN Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
30	Kevin McDougall	771	ESA Management L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
31	Kevin McDougall	776	ESA P Portfolio Holdings L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
32	Kevin McDougall	779	ESH/Homestead Mezz 7 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
33	Kevin McDougall	785	ESH/TX Properties L.P.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
34	Kevin McDougall	790	ESA P Portfolio MD Borrower L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
35	Kevin McDougall	795	ESA Canada Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Surviving Claim	Objection Page Reference
36	Kevin McDougall	800	ESH/Homestead Mezz L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
37	Kevin McDougall	804	ESA P Mezz 7 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
38	Kevin McDougall	814	ESA P Portfolio PA Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
39	Kevin McDougall	821	ESA P Portfolio TXNC Properties L.P.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
40	Kevin McDougall	825	ESA Mezz 7 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
41	Kevin McDougall	829	ESA PA Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
42	Kevin McDougall	834	ESH/Homestead Mezz 8 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
43	Kevin McDougall	839	ESA P Mezz L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
44	Kevin McDougall	843	ESA P Mezz 8 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Surviving Claim	Objection Page Reference
45	Kevin McDougall	851	ESA Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
46	Kevin McDougall	854	ESA Mezz L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
47	Kevin McDougall	858	ESA Mezz 8 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
48	Kevin McDougall	865	ESA TX Properties L.P.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
49	Kevin McDougall	869	ESH/Homestead Mezz 2 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
50	Kevin McDougall	873	ESA P Mezz 2 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
51	Kevin McDougall	878	ESH/Homestead Mezz 9 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
52	Kevin McDougall	886	ESA P Mezz 9 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
53	Kevin McDougall	890	ESA Mezz 2 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Surviving Claim	Objection Page Reference
54	Kevin McDougall	897	ESA Mezz 9 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
55	Kevin McDougall	901	ESH/Homestead Mezz 10 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
56	Kevin McDougall	906	ESH/Homestead Mezz 3 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
57	Kevin McDougall	911	ESA P Mezz 10 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
58	Kevin McDougall	920	ESA P Mezz 3 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
59	Kevin McDougall	921	ESA Mezz 10 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
60	Kevin McDougall	928	ESA Mezz 3 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
61	Kevin McDougall	933	ESH/Homestead Mezz 4 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7
62	Kevin McDougall	936	ESA P Mezz 4 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Surviving Claim	Objection Page Reference
63	Kevin McDougall	944	ESA Mezz 4 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 815	815	pp. 1-7

EXHIBIT B

PLEASE CAREFULLY REVIEW THIS OMNIBUS OBJECTION AND THE ATTACHMENTS HERETO TO DETERMINE WHETHER THIS OMNIBUS OBJECTION AFFECTS YOUR CLAIM(S). IF YOU HAVE ANY QUESTIONS REGARDING THIS OBJECTION PLEASE CALL ELYSSA KATES AT (212) 589-4200

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Hearing Date and Time: March 15, 2012 at 10:00 a.m. (EST)
Response Deadline: March 2, 2012 at 4:00 p.m. (EST)

*Attorneys for Litigation Trustee
Walker, Truesdell, Roth & Associates and
Hobart G. Truesdell*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

EXTENDED STAY INC., et al.,

Debtors.

Case No. 09-13764 (JMP)

Chapter 11

(Jointly Administered)

**LITIGATION TRUSTEE’S EIGHTH OMNIBUS OBJECTION TO CLAIMS
(Duplicate Claims filed by Kevin McDougall)**

TO THE HONORABLE JAMES M. PECK
UNITED STATES BANKRUPTCY JUDGE:

Walker, Truesdell, Roth & Associates and Hobart G. Truesdell (collectively, the “Trustee”), on behalf of, and together with the Extended Stay Litigation Trust (the “Trust”), by and through their counsel, respectfully submit this omnibus objection (the “Objection”) to the



“Examiner’s Report”), and (ii) under §§ 502(d), 542 through 551, and 553 of the Bankruptcy Code (see Plan, ¶ 1.89; ESI Settlement Agreement, § 4). Pursuant to the Plan and Litigation Trust Agreement, the Trustee is responsible for, among other things, the disposition of the Trust Assets.

4. Pursuant to Article VII of the Plan, the Trustee is responsible for objecting to general unsecured claims and mezzanine facilities claims filed against the Plan Debtors. See Section 7.1(c) of the Plan. Additionally, pursuant to paragraph 1.89 of the Plan and section 4 of the ESI Settlement Agreement, the Trustee has the right from the Plan Debtors and ESI to object to claims under Bankruptcy Code section 502(d) in connection with the Trustee’s obligation to dispose of Trust Assets (see Plan, ¶ 1.89; ESI Settlement Agreement, § 4).

The Bar Dates and Claims Filed

5. By orders entered on November 19, 2009 [Docket No. 595] and July 12, 2010 [Docket No. 1122] (together, the “Bar Date Orders”), the Bankruptcy Court set January 15, 2010 at 5:00 p.m. (prevailing Eastern Time) or August 17, 2010 at 5:00 p.m. (prevailing Eastern Time), as applicable, as the deadline (together, the “Bar Date”) for the filing of proofs of claim based upon prepetition claims.

6. Based upon information received to date from the Debtors and the plan administrator (the “Plan Administrator”), more than 1,700 proofs of claim were filed in the Plan Debtors’ chapter 11 cases. Combined with approximately 200 additional claims identified by the Debtors in their schedules of assets and liabilities and statements of financial affairs, the nearly 2,000 claims together assert liabilities in excess of \$95 billion.

Extensions of the Deadline to Object to Claims

7. On November 19, 2010, the Debtors, on behalf of themselves, the Trustee, and certain others, filed a motion [Docket No. 1333] (the “First Extension Motion”) requesting (i) authority for these parties to file omnibus claims objections; and (ii) an extension of time for these parties to file omnibus claims objections for an additional sixty (60) days.

8. On December 16, 2010, the Bankruptcy Court entered the First Extension Order and granted the First Extension Motion. The First Extension Order was without prejudice to the right of the parties to request further extensions (see First Extension Order, p. 2).

9. On February 18, 2011, the Trustee filed a motion [Docket No. 1392] (the “Second Extension Motion”) requesting, among other things, an additional extension of time for the Trustee to file objections with respect to certain general unsecured claims and mezzanine facilities claims until and including September 2, 2011. The Second Request Motion was necessitated by, among other things, the Trustee’s ongoing investigation and evaluation of Trust Assets and analysis of potential causes of action, including those under Bankruptcy Code section 502(d).

10. By order dated March 23, 2011 [Docket No. 1419] (“Second Extension Order”), the Bankruptcy Court granted the Second Extension Motion, and extended the deadline for the Trustee to object to the allowance of general unsecured claims and mezzanine facilities claims until September 2, 2011 (see Second Extension Order, p. 2). The Second Extension Order was without prejudice to the parties to request further extensions (see Second Extension Order, p 2).

11. On August 23, 2011, the Trustee filed a motion [Docket No. 1473] (the “Third Extension Motion”) requesting, among other things, an additional extension of time for the Trustee to file objections with respect to certain general unsecured claims and mezzanine

facilities claims through September 7, 2012. The Third Extension Motion was necessitated by, among other things, the Trustee's ongoing investigation and evaluation of Trust Assets and the institution of complex lawsuits¹ (the "Lawsuits") seeking recovery of billions of dollars for the benefit of the beneficiaries of the Trust (the "Litigation Trust Beneficiaries") and disallowance of claims under Bankruptcy Code section 502(d).

12. By order dated October 19, 2011 [Docket No. 1521] ("Third Extension Order"), the Bankruptcy Court granted the Third Extension Motion, extending the deadline for the Trustee to object to the allowance of general unsecured claims and mezzanine facilities claims until January 18, 2012 (see Third Extension Order, p. 3). The Third Extension Order also was without prejudice to the parties to request further extensions (see Third Extension Order, p. 3).

Jurisdiction

13. This Court has jurisdiction to consider this Objection pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A), (B) & (O).

Objection to Claims

14. McDougall filed approximately seventy claims in unliquidated amounts against various Debtors. The Trustee objects to each of the claims filed by McDougall and listed on Exhibit "A" attached hereto (the "Duplicate Claims"), on the grounds that the Duplicate Claims are not valid because they are either duplicate claims for the same debt as already represented by another claim filed against one of the Debtors by McDougall, or McDougall filed a subsequent claim which amended and/or superseded the previously filed claim, even if not specifically noted

¹ The lawsuits are Walker, Truesdell, Roth & Associates, et al. v. The Blackstone Group, L.P., et al., Adv. Pro. No. 11-2254 (JMP); Walker, Truesdell, Roth & Associates, et al. v. The Blackstone Group, L.P., et al., Adv. Pro. No. 11-2255 (JMP); Walker, Truesdell, Roth & Associates, et al. v. Lightstone Holdings, LLC, et al., Adv. Pro. No. 11-2256 (JMP); Walker, Truesdell, Roth & Associates, et al. v. Archon Group, L.P., et al., Adv. Pro. No. 11-2259 (JMP). Walker, Truesdell, Roth & Associates, et al. v. The Blackstone Group, L.P., et al., Adv. Pro. No. 11-2398 (JMP), was initially filed in the Supreme Court of New York, New York County, and subsequently removed to the Bankruptcy Court.

on the face of the claim.² Accordingly, the Trustee requests that the Duplicate Claims be disallowed and expunged in their entirety.

Reservation of Rights

15. Nothing contained in this Objection shall be deemed a waiver of the Trustee's rights. The Trustee reserves all rights, including, without limitation, the right to amend, modify, or supplement this Objection and to bring further and separate objections to claims, including amended claims, claims of which the Trustee is presently unaware, or any other claim now or hereafter asserted.

Notice

16. This Objection has been served pursuant to the requirements established in the July 17, 2009 order governing case management and administrative procedures for these cases [Docket No. 176] on (i) the U.S. Trustee; (ii) the attorneys for the Debtors; (iii) the attorneys for NewCo; (iv) McDougall; and (v) all parties who have requested notice in these chapter 11 cases. The Trustee submits that no other or further notice need be provided.

WHEREFORE, the Trustee respectfully requests that the Court: (a) enter an order substantially in the form attached hereto as "Exhibit B" and disallowing and expunging in their entirety the claims set forth in Exhibit "A" attached hereto as provided for herein, and (b) grant such other and further relief as the Court deems just and proper.

² With regard to claims that have been presented against Extended Stay Inc., consistent with the Plan, neither the Trustee nor the Trust is obligated to review or object to such claims other than section 502(d) objections. Accordingly, this Objection does not address claims against Extended Stay Inc.

Dated: January 17, 2012
New York, New York

Respectfully submitted,

BAKER & HOSTETLER LLP

By: /s/ Elyssa S. Kates

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Hearing Date and Time: March 15, 2012 at 10:00 a.m. (EST)
Response Deadline: March 2, 2012 at 4:00 p.m. (EST)

*Attorneys for Litigation Trustee
Walker, Truesdell, Roth & Associates and
Hobart G. Truesdell*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

EXTENDED STAY INC., et al.,

Debtors.

Case No. 09-13764 (JMP)

Chapter 11

(Jointly Administered)

**DECLARATION OF SHARON ROTH IN SUPPORT OF LITIGATION TRUSTEE'S
OMNIBUS OBJECTIONS TO CLAIMS**

SHARON ROTH, of full age, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a principal of Walker, Truesdell, Roth & Associates. I make this Declaration in support of the omnibus objections (the "Objections") to claims listed on Exhibit "A" and filed by Walker Truesdell, Roth & Associates and Hobart Truesdell (collectively, the "Trustee") in the chapter 11 cases of Extended Stay Inc. and its debtor affiliates. I make this Declaration based upon my own personal knowledge or upon information that I believe to be true.

2. All capitalized terms not defined herein have the meaning ascribed to them in the Objections.

3. Pursuant to Article VII of the Plan, the Trustee is responsible for objecting to general unsecured claims and mezzanine facilities claims filed against the Plan Debtors. See Section 7.1(c) of the Plan. Additionally, pursuant to paragraph 1.89 of the Plan and section 4 of the ESI Settlement Agreement, the Trustee has the right from the Plan Debtors and ESI to object to claims under Bankruptcy Code section 502(d) in connection with the Trustee's obligation to dispose of Trust Assets (see Plan, ¶ 1.89; ESI Settlement Agreement, § 4).

4. In furtherance of the Trustee's duties, I have read the Plan, the Confirmation Order, the ESI Settlement Agreement and the Litigation Trust Agreement. I have also reviewed the claims register and claims maintained by Kurtzman Carson Consultants, the claims agent ("Claims Agent") appointed in these chapter 11 cases. I request that the Court take judicial notice of the claims register and the claims maintained by the Claims Agent.

5. It appears that more than 1,700 proofs of claim were filed in the Plan Debtors' chapter 11 cases. Moreover, there are another approximately 200 claims scheduled by the Plan Debtors.

6. Based upon my review of the claims and claims register, I have determined the following; (a) approximately 1,200 claims are duplicate, (b) approximately 20 non-duplicate claims have been satisfied or will be satisfied in the ordinary course, (c) approximately 6 non-duplicate claims were filed late (including claims that appear unrelated to the Debtors), (d) approximately 15 non-duplicate claims lacked sufficient documentation, (e) approximately 6 non-duplicate claims should only be allowed in a reduced amount, (f) approximately 30 non-duplicate claims should be disallowed pursuant to section 502(d) of the Bankruptcy Code, and

(g) approximately 155 non-duplicate claims have been incorrectly classified. In addition, approximately 140 claims were filed against Extended Stay Inc. but it is not clear whether the claimant actually intended to file a claim against one or more of the Plan Debtors.

7. In addition to undertaking the steps outlined above, I have requested information from the Debtors on numerous occasions both by email and verbally and have received virtually no response to my repeated requests. I have also requested information from claimants in an effort to resolve issues relating to the claims and have similarly received either no response or an insufficient response. As a result, my ability to determine the validity of many claims has been impaired and there may be other claims which are objectionable or there may be further bases to object to the claims listed in the Objections.

8. Thus, based upon my own investigation and the limited information provided to me to date by the Debtors and others, I have determined that the claims set forth in the Objections should be disallowed and expunged or modified for the reasons set forth more fully in the Objections.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.



Sharon Roth

Dated: January 17, 2012
New York, New York

Exhibit A

Omnibus Objections to Claims

1.	Litigation Trustee's First Omnibus Objection to Claims (Duplicate Claims filed by Daehum Kim)
2.	Litigation Trustee's Second Omnibus Objection to Claims (Duplicate Claims by David Lichtenstein)
3.	Litigation Trustee's Third Omnibus Objection to Claims (Duplicate Claims Filed by Gary DeLapp)
4.	Litigation Trustee's Fourth Omnibus Objection to Claims (Duplicate Claims Filed by HVM LLC)
5.	Litigation Trustee's Fifth Omnibus Objection to Claims (Duplicate Claims Filed by F. Joseph Rogers) (Indemnification Claims)
6.	Litigation Trustee's Sixth Omnibus Objection to Claims (Duplicate Claims Filed by F. Joseph Rogers) (D&O Claims)
7.	Litigation Trustee's Seventh Omnibus Objection to Claims (Duplicate Claims Filed by Joseph Teichman)
8.	Litigation Trustee's Eighth Omnibus Objection to Claims (Duplicate Claims Filed by Kevin McDougall)
9.	Litigation Trustee's Ninth Omnibus Objection to Claims (Duplicate Claims Filed by Robert Micklash)
10.	Litigation Trustee's Tenth Omnibus Objection To Claims (Incorrectly Classified Claims)
11.	Litigation Trustee's Eleventh Omnibus Objection To Claims (Duplicate Claims)
12.	Litigation Trustee's Twelfth Omnibus Objection To Claims (Late-Filed Claims, Satisfied Claims, No Liability Claims or Reduced Liability Claims and Insufficiently Documented Claims)
13.	Litigation Trustee's Thirteenth Omnibus Objection To Claims (Duplicate Claims Filed By Barton Equities, LLC)
14.	Litigation Trustee's Fourteenth Omnibus Objection To Claims (Duplicate Claims filed by BK ESH LLC)
15.	Litigation Trustee's Fifteenth Omnibus Objection To Claims (Duplicate Claims filed by FOA ESH LLC)
16.	Litigation Trustee's Sixteenth Omnibus Objection To Claims (Duplicate Claims Filed By GF ESH LLC)

17.	Litigation Trustee's Seventeenth Omnibus Objection To Claims (Duplicate Claims Filed By Hospitality F LLC)
18.	Litigation Trustee's Eighteenth Omnibus Objection To Claims (Duplicate Claims filed by Legacy ESH, LLC)
19.	Litigation Trustee's Nineteenth Omnibus Objection To Claims (Duplicate Claims Filed By SFF ESH LLC)
20.	Litigation Trustee's Twentieth Omnibus Objection To Claims (Duplicate Claims Filed By SW ESH LLC)
21.	Litigation Trustee's Twenty-First Omnibus Objection To Claims (Duplicate Claims)
22.	Litigation Trustee's Twenty-Second Omnibus Objection To Claims Pursuant To 11 U.S.C. Section 502(d)
23.	Litigation Trustee's Twenty-Third Omnibus Objection to Claims (Claims Against "Extended Stay Inc.")
24.	Litigation Trustee's Twenty-Fourth Omnibus Objection to Claims (Claims Against "Extended Stay Inc.")

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