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Co-counsel for Successor Litigation Trustee

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)

**CERTIFICATE OF NO OBJECTION REGARDING AMENDED NOTICE OF
HEARING ON LITIGATION TRUSTEE’S
FOURTH OMNIBUS OBJECTION TO CLAIMS
(Duplicate Claims filed by HVM LLC)**

Pursuant to Rule 9075-2 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York (the “Local Rules”), the undersigned hereby certifies as follows:

1. On June 6, 2023, Finn barr O’Connor, in his capacity as Successor Litigation Trustee for and on behalf of the Extended Stay Litigation Trust (the “Trustee”) filed the *Amended Notice of Hearing on Litigation Trustee’s Fourth Omnibus Objection to Claims (Duplicate Claims filed by HVM LLC)* (the “Notice”) [Docket No. 1987].

2. The Notice was served on June 9, 2023 in accordance with the Federal Rules of Bankruptcy Procedure and the Local Rules. See Certificate of Service of Angela Nguyen, sworn to on June 14, 2023 [Docket No. 1992].



3. Pursuant to the Notice, and in accordance with the Local Rules, any objections to the Notice were to be filed and served by no later than June 27, 2023 at 4:00 p.m. (prevailing Eastern time) (the “Objection Deadline”).

4. As of the date hereof, which is more than 48 hours after the Objection Deadline, no objection or responsive pleading with respect to the Notice has been filed or served on Trustee’s counsel, and Trustee’s counsel has reviewed the Court’s docket in this case and no objection or responsive pleading with respect to the Notice appears thereon.

5. Accordingly, it is respectfully requested that the Court enter the proposed order, attached hereto as **Exhibit A**, granting the Motion without need for a hearing.

Dated: New York, New York
July 7, 2023

THOMPSON COBURN LLP

By: /s/ Joseph Orbach
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EXHIBIT A

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In re:

EXTENDED STAY INC., et al.,

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Case No. 09-13764 (JLG)

Chapter 11

(Jointly Administered)

**ORDER GRANTING LITIGATION TRUSTEE'S
FOURTH OMNIBUS OBJECTION TO CLAIMS
(Duplicate Claims filed by HVM LLC)**

Upon the Successor Litigation Trustee's (the "Trustee") Fourth Omnibus Objection to Claims (Duplicate Claims filed by HVM LLC) (the "Objection," Docket No. 1548), dated January 17, 2012, seeking to disallow and expunge certain claims filed by HVM LLC ("HVM"), 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) HVM, (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 HVM, 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	HVM LLC	615	ESA P Portfolio L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
2	HVM LLC	619	Homestead Village L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
3	HVM LLC	624	ESA 2005 Portfolio L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
4	HVM LLC	634	ESA P Portfolio MD Trust	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
5	HVM LLC	637	ESA 2005-San Jose L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
6	HVM LLC	642	ESA MD Properties Business Trust	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
7	HVM LLC	650	ESA 2005-Waltham L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
8	HVM LLC	655	ESA Canada Properties Trust	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	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	HVM LLC	660	ESA Acquisition Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
10	HVM LLC	666	ESA Canada Trustee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
11	HVM LLC	688	ESA Alaska L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
12	HVM LLC	695	ESA UD Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
13	HVM LLC	697	ESA 2007 Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
14	HVM LLC	707	ESA Canada Properties Borrower L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
15	HVM LLC	711	ESH/HV Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
16	HVM LLC	716	ESA 2005 Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
17	HVM LLC	723	ESA Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	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	HVM LLC	731	ESH/MSTX Property L.P.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
19	HVM LLC	734	ESA FL Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
20	HVM LLC	744	ESH/TN Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
21	HVM LLC	749	ESA MD Borrower L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
22	HVM LLC	751	ESA P Portfolio Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
23	HVM LLC	764	ESA MN Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
24	HVM LLC	783	ESH/TX Properties L.P.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
25	HVM LLC	789	ESA P Portfolio MD Borrower L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
26	HVM LLC	794	ESA Canada Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	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	HVM LLC	809	ESA P Portfolio PA Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	PP. 1-7
28	HVM LLC	818	ESA P Portfolio TXNC Properties L.P.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
29	HVM LLC	828	ESA PA Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
30	HVM LLC	848	ESA Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7
31	HVM LLC	863	ESA TX Properties L.P.	Unliquidated	General Unsecured	This claim is duplicative of claim number 686	686	pp. 1-7