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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
EIGHTH OMNIBUS OBJECTION TO CLAIMS
(Duplicate Claims filed by Kevin McDougall)**

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, Finnbar 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 Eighth Omnibus Objection to Claims (Duplicate Claims filed by Kevin McDougall)* (the “Notice”) [Docket No. 1988].

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
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 ("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