

THOMPSON COBURN LLP

488 Madison Avenue
New York, New York 10022
Telephone: 212-478-7200
Facsimile: 212-478-7400
Mark T. Power
Joseph Orbach

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
NINTH OMNIBUS OBJECTION TO CLAIMS
(Duplicate Claims filed by Robert Micklash)**

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 Ninth Omnibus Objection to Claims (Duplicate Claims filed by Robert Micklash)* (the “Notice”) [Docket No. 1989].

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
Joseph Orbach
Mark T. Power
488 Madison Avenue
New York, NY 10022
Telephone: 212-478-7200
Fax: 212-478-7400
jorbach@thompsoncoburn.com
mpower@thompsoncoburn.com

Co-counsel for Successor Litigation Trustee

EXHIBIT A

THOMPSON COBURN HAHN & HESSEN LLP

488 Madison Avenue
New York, New York 10022
Telephone: 212-478-7200
Facsimile: 212-478-7400
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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
NINTH OMNIBUS OBJECTION TO CLAIMS
(Duplicate Claims filed by Robert Micklash)**

Upon the Successor Litigation Trustee's (the "Trustee") Ninth Omnibus Objection to Claims (Duplicate Claims filed by Robert Micklash) (the "Objection," Docket No. 1553), dated January 17, 2012, seeking to disallow and expunge certain claims filed by Robert Micklash, 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) Robert Micklash, (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 Robert Micklash, 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	Robert Micklash	966	ESA P Portfolio L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
2	Robert Micklash	970	Homestead Village L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
3	Robert Micklash	976	ESA P Portfolio MD Trust	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
4	Robert Micklash	984	ESA P Portfolio MD Beneficiary L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
5	Robert Micklash	997	ESH/Homestead Portfolio L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
6	Robert Micklash	999	ESH/Homestead Mezz 5 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
7	Robert Micklash	1006	ESA P Mezz 5 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
8	Robert Micklash	1007	ESA MD Properties Business Trust	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	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	Robert Micklash	1008	ESA 2005-San Jose L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
10	Robert Micklash	1009	ESA Canada Properties Trust	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
11	Robert Micklash	1010	ESA 2005-Waltham L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
12	Robert Micklash	1011	ESA Acquisition Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
13	Robert Micklash	1012	ESA MD Beneficiary L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
14	Robert Micklash	1013	ESA Canada Trustee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
15	Robert Micklash	1014	ESA Canada Beneficiary Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
16	Robert Micklash	1015	ESA Alaska L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
17	Robert Micklash	1017	ESA UD Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	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	Robert Micklash	1020	ESA 2005 Portfolio L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
19	Robert Micklash	1028	ESA Mezz 5 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
20	Robert Micklash	1030	ESA 2007 Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
21	Robert Micklash	1032	ESA Canada Properties Borrower L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
22	Robert Micklash	1037	ESH/HV Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
23	Robert Micklash	1040	ESA 2005 Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
24	Robert Micklash	1042	ESH/Homestead Mezz 6 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
25	Robert Micklash	1048	ESA Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
26	Robert Micklash	1061	ESH/Homestead Mezz L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	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	Robert Micklash	1063	ESA P Portfolio Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
28	Robert Micklash	1069	ESH/MSTX Property L.P.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
29	Robert Micklash	1073	ESA FL Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
30	Robert Micklash	1075	ESA MN Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
31	Robert Micklash	1079	ESA P Mezz 6 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
32	Robert Micklash	1080	ESH/TN Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
33	Robert Micklash	1088	ESA MD Borrower L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
34	Robert Micklash	1092	ESA Mezz 6 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
35	Robert Micklash	1093	ESA Business Trust	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	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	Robert Micklash	1100	ESA Management L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
37	Robert Micklash	1106	ESA P Portfolio Holdings L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
38	Robert Micklash	1109	ESH/Homestead Mezz 7 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
39	Robert Micklash	1114	ESH/TX Properties L.P.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
40	Robert Micklash	1116	ESA P Portfolio PA Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
41	Robert Micklash	1119	ESA Canada Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
42	Robert Micklash	1123	ESA P Portfolio MD Borrower L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
43	Robert Micklash	1127	ESA P Mezz 7 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
44	Robert Micklash	1134	ESA P Portfolio TXNC Properties L.P.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	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	Robert Micklash	1139	ESA Mezz 7 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
46	Robert Micklash	1143	ESA PA Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
47	Robert Micklash	1146	ESH/Homestead Mezz 8 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
48	Robert Micklash	1150	ESA P Mezz L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
49	Robert Micklash	1155	ESA P Mezz 8 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
50	Robert Micklash	1163	ESA Mezz L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
51	Robert Micklash	1165	ESA Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
52	Robert Micklash	1166	ESA Mezz 8 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
53	Robert Micklash	1171	ESA TX Properties L.P.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	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	Robert Micklash	1174	ESH/Homestead Mezz 2 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
55	Robert Micklash	1179	ESA P Mezz 2 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
56	Robert Micklash	1182	ESH/Homestead Mezz 9 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
57	Robert Micklash	1188	ESA P Mezz 9 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
58	Robert Micklash	1190	ESA Mezz 2 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
59	Robert Micklash	1195	ESA Mezz 9 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
60	Robert Micklash	1197	ESH/Homestead Mezz 10 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
61	Robert Micklash	1205	ESA P Mezz 10 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
62	Robert Micklash	1207	ESH/Homestead Mezz 3 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	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	Robert Micklash	1212	ESA P Mezz 3 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
64	Robert Micklash	1214	ESA Mezz 10 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
65	Robert Micklash	1220	ESA Mezz 3 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
66	Robert Micklash	1227	ESH/Homestead Mezz 4 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
67	Robert Micklash	1228	ESA P Mezz 4 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
68	Robert Micklash	1235	ESA Mezz 4 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7