

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Case No. 09-13764 (JLG)
Related ECF No's: 1552, 1988, 1994, 2005

EXTENDED STAY INC., et al.,

Chapter 11

Debtors.

(Jointly Administered)

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**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 a Certificate of No Objection having**



been filed on July 7, 2023 (Docket No. 2005); [JLG] 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: July 25, 2023
New York, New York

/s/ James L. Garrity, Jr.
Honorable James L. Garrity, Jr.
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 |

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| 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 |

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| 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 |

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| 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 |

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| 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 |

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| 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 |

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| 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 |

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| 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 |