

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Case No. 09-13764 (JLG)
Related ECF No's: 1557, 1991, 1997, 2008

EXTENDED STAY INC., et al.,

Debtors.

Chapter 11

(Jointly Administered)

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**ORDER GRANTING LITIGATION TRUSTEE'S
TWELFTH OMNIBUS OBJECTION TO CLAIMS
(Late-Filed Claims, Satisfied Claims, No Liability Claims or
Reduced Liability Claims and Insufficiently Documented Claims)**

Upon the Successor Litigation Trustee's (the "Trustee") Twelfth Omnibus Objection to Claims (Late-Filed Claims, Satisfied Claims, No Liability Claims or Reduced Liability Claims and Insufficiently Documented Claims) (the "Objection," Docket No. 1557)¹, dated January 17, 2012, seeking to disallow and expunge certain late-filed claims, satisfied claims, no liability claims or reduced liability claims and insufficiently documented claims, 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) Claimants, (ii) the United States Trustee for the Southern District of New York, (iii) counsel

¹ Capitalized terms used, but not defined, herein shall have the meanings ascribed to them in the Objection or the Plan, as applicable.



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. 2008); 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, Exhibit 2, Exhibit 3, and Exhibit 4 attached hereto are hereby disallowed and expunged in their 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 Claimants, including those listed in Exhibit 1, Exhibit 2, Exhibit 3, and Exhibit 4 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: August 7, 2023
New York, New York

/s/ James L. Garrity, Jr.
Honorable James L. Garrity, Jr.
United States Bankruptcy Judge

EXHIBIT 1

Late Filed Claims to be Disallowed and Expunged in Their Entirety

No.	Claimant	Untimely Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Claim Filing Date	Objection Page Reference
1.	Capital One Bank USA, N.A. by American InfoSource LP as Agent	1384	ESA P Mezz L.L.C.	\$986.35	General Unsecured	This claim was untimely filed. Additionally, the claim was not filed against any of the Debtors.	1/22/2010	pp. 1-8
2.	Capital One Bank USA, N.A. By American InfoSource LP as Agent	1387	ESH/Homestead Mezz 3 L.L.C.	\$11,251.04	General Unsecured	This claim was untimely filed. Additionally, the claim was not filed against any of the Debtors.	1/25/2010	pp. 1-8
3.	City of Carmel Utilities	1285	Extended Stay Inc.	\$1,460.83	General Unsecured	This claim was filed against "Extended Stay, Inc. et al." Consistent with the Plan, neither the Trustee nor the Trust have any obligation to object to claims against Extended Stay Inc. ("ESI"). To the extent this claim is filed against a Debtor other than ESI, this claim was untimely filed.	1/19/2010	pp. 1-8
4.	Jersey Central Power & Light, a FirstEnergy Company	2041	Homestead Village L.L.C.	\$2,862.00	General Unsecured	This claim was untimely filed.	9/1/2010	pp. 1-8
5.	Marin Municipal	1276	Unknown	\$3,297.35	General Unsecured	The claimant did not list a Debtor	1/19/2010	

No.	Claimant	Untimely Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Claim Filing Date	Objection Page Reference
	Water District					in its proof of claim form. To the extent this claim is filed against a Debtor other than Extended Stay Inc. (“ESI”), this claim was untimely filed.		
6.	Penelope Zeller	1239	ESA P Portfolio L.L.C.	\$320,000.00	General Unsecured	This claim was untimely filed.	1/18/2010	pp. 1-8

EXHIBIT 2

Satisfied 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	Objection Page Reference
1.	AmerenUE	19	Extended Stay Inc.	\$20,225.61	General Unsecured	The claim was filed against Extended Stay Hotels, LLC. It was recorded incorrectly in the register. According to information provided by the Debtors, this claim was satisfied in the ordinary course.	pp. 1-8
2.	Columbia Gas of Ohio Inc.	181	Extended Stay Hotels L.L.C.	\$2,609.63	General Unsecured	Pursuant to the information provided to the Trustee by the Debtors, this claim was paid in the ordinary course of business.	pp. 1-8
3.	Columbia Gas of Virginia, Inc	201	Extended Stay Hotels L.L.C.	\$1,408.79	General Unsecured	Pursuant to the information provided to the Trustee by the Debtors, this claim was paid in the ordinary course of business.	pp. 1-8
4.	<u>This Claim has been resolved and removed from this Exhibit.</u>						
5.	<u>This Claim has been resolved and removed from this Exhibit.</u>						
6.	Google Inc.	160	Extended Stay Inc.	\$182,603.26	General Unsecured	This claim was filed against "Extended Stay,	pp. 1-8

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Objection Page Reference
						Inc. consolidated cases.” Consistent with the Plan, neither the Trustee nor the Trust have any obligation to object to claims of Extended Stay Inc. (“ESI”). To the extent this claim is filed against a Debtor other than ESI, this claim was satisfied in the ordinary course of business.	
7.	HVM LLC	686	ESH/Homestead Portfolio L.L.C.	Unliquidated	General Unsecured	Pursuant to the information provided to the Trustee by the Debtors, this claim was paid in the ordinary course of business.	pp. 1-8
8.	Kevin McDougall	626	Homestead Village L.L.C.	Unliquidated	General Unsecured	The agreement which allegedly provides the basis for this claim was assumed by the Reorganized Debtors. Pursuant to the Confirmation Order, any obligations have been or will be fulfilled in the ordinary course of business.	pp. 1-8
9.	Lancashire Insurance Co Ltd	588	Extended Stay Hotels L.L.C.	Unliquidated	General Unsecured	This claim was filed with respect to obligations	pp. 1-8

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Objection Page Reference
						under certain insurance agreements. In accordance with the Confirmation Order, any obligations relating to the insurance agreements were assumed by the Reorganized Debtors and will be fulfilled in the ordinary course of business.	
10.	Las Vegas Valley Water District	313	Extended Stay Inc.	\$8,151.47	General Unsecured	This claim was filed against "Extended Stay Inc. et al." Consistent with the Plan, neither the Trust nor the Trustee have any obligation to object to claims against Extended Stay Inc. ("ESI"). To the extent this claim is determined to be filed against a debtor other than ESI, according to information provided by the Debtors, this claim was satisfied in the ordinary course.	pp. 1-8
11.	Long Island Lighting Company dba LIPA	188	Extended Stay Inc.	\$8,448.15	General Unsecured	This claim was filed against "Extended Stay Inc. et al."	pp. 1-8

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Objection Page Reference
						Consistent with the Plan, neither the Trust nor the Trustee have any obligation to object to claims against Extended Stay Inc. (“ESI”). To the extent this claim is determined to be filed against a debtor other than ESI, according to information provided by the Debtors, this claim was satisfied in the ordinary course.	
12.	Manufacturers and Traders Trust Company	418	Extended Stay Inc.	Unliquidated	General Unsecured	Pursuant to the Confirmation Order and ESI Settlement Agreement, the Indenture Trustee was paid \$4 million on the effective date of the Plan. The Indenture Trustee was given a claim against Extended Stay Inc. (“ESI”) in the amount of \$5.5 million (the “Reduced Indenture Trustee Claim”) and was made a litigation trust beneficiary. The Reduced Indenture Trustee	pp. 1-8

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Objection Page Reference
						Claim shall be treated as set forth in the Trust Agreement. The Trustee objects to the extent that the claimant is seeking a recovery that is inconsistent with the Plan, ESI Settlement Agreement or the Trust Agreement.	
13.	Microsoft Corporation and Microsoft Licensing GP	322	Extended Stay Inc.	\$18,102.03	General Unsecured	<p>This claim was filed against "Extended Stay Inc. et al." Consistent with the Plan, neither the Trust nor the Trustee have any obligation to object to claims against Extended Stay Inc. ("ESI"). To the extent this claim is determined to be filed against a debtor other than ESI, according to information provided by the Debtors, \$2,399.63 of this claim was satisfied in the ordinary course. Further, the agreement which allegedly provides the basis for this claim was assumed</p>	pp. 1-8

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Objection Page Reference
						by the Reorganized Debtors. Pursuant to the Confirmation Order, any obligations have been or will be fulfilled in the ordinary course of business. Moreover, insufficient documentation exists to support the balance of the claim.	
14.	<u>This Claim has been resolved and removed from this Exhibit.</u>						
15.	Robert Micklash	1144	Extended Stay Hotels L.L.C.	Unliquidated	General Unsecured	The agreement which allegedly provides the basis for this claim was assumed by the Reorganized Debtors. Pursuant to the Confirmation Order, any obligations have been or will be fulfilled in the ordinary course of business.	pp. 1-8
16.	Southwestern Public Service Company	192	Extended Stay Inc.	\$2,968.98	General Unsecured	This claim was filed against "Extended Stay Inc. et al." Consistent with the Plan, neither the Trust nor the Trustee have any obligation to object	pp. 1-8

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Objection Page Reference
						to claims against Extended Stay Inc. (“ESI”). To the extent this claim is determined to be filed against a debtor other than ESI, according to information provided by the Debtors, this claim was satisfied in the ordinary course.	
17.	Waste Industries	1997	Extended Stay Inc.	\$1,627.09	General Unsecured	This claim was filed against “Extended Stay Inc. et al”. Consistent with the Plan, neither the Trust nor the Trustee have any obligation to object to claims against Extended Stay Inc. (“ESI”). To the extent this claim is determined to be filed against a debtor other than ESI, according to information provided by the Debtors, this claim was satisfied in the ordinary course.	pp. 1-8
18.	Zurich American Insurance Company and its affiliates	15	Extended Stay Hotels L.L.C.	Unliquidated	General Unsecured	This claim was filed with respect to obligations under certain insurance agreements. In	pp. 1-8

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Objection Page Reference
						accordance with the Confirmation Order, any obligations relating to the insurance agreements were Reorganized assumed by the Debtors and will be fulfilled in the ordinary course of business.	

EXHIBIT 3

**No Liability or Reduced Liability Claims to be Disallowed and Expunged
in Their Entirety or Modified and Allowed in a Reduced Amount**

No.	Claimant	Claim To Be Expunged or Modified	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Objection Page Reference
1.	Capital One Bank USA NA by American InfoSource LP as agent	329	ESH/Homestead Portfolio L.L.C.	\$6,728.70	General Unsecured	This claim was not filed against any of the Debtors and appears to be completely unrelated to the Debtors' cases. This claim appears to be against a debtor named Carla M. Conde.	pp. 1-8
2.	Lydecker Lee Behar Berga & Richard Lydecker	949	Extended Stay Inc.	\$21,569.79	General Unsecured	This claim was filed against "Extended Stay, Inc. consolidated cases." Consistent with the Plan, neither the Trustee nor the Trust have any obligation to object to claims against Extended Stay Inc. ("ESI"). To the extent this claim is filed against a Debtor other than ESI, the supporting documentation made available to the Trustee only supports a claim in the amount of \$12,522.46. Therefore, the	pp. 1-8

No.	Claimant	Claim To Be Expunged or Modified	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Objection Page Reference
						claim should be reduced to \$12,522.46.	
3.	Max Marechaux	441	ESA Canada Operating Lessee Inc.	Unliquidated	General Unsecured	The claimant has not been sued. Accordingly, the Plan Debtors have not incurred any indemnification liability and there is no basis for the claim. Therefore, the claim should be disallowed and expunged in its entirety.	pp. 1-8
4.	Micros Systems, Inc.	87	ESA P Portfolio Operating Lessee Inc.	\$2,451.20	General Unsecured	This claim does not reflect a payment made on July 8, 2009 in the amount of \$850.00. Therefore, the claim should be reduced to \$1,601.20.	pp. 1-8
5.	<u>This Claim has been resolved and removed from this Exhibit.</u>						
6.	Thomson Reuters Property Tax Services	614	Extended Stay Inc.	\$518,861.00	General Unsecured	This claim was filed against "Extended Stay, Inc. consolidated cases." Consistent with the Plan, neither the Trustee nor the Trust have any obligation to object to claims against Extended Stay Inc. ("ESI").	pp. 1-8

No.	Claimant	Claim To Be Expunged or Modified	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Objection Page Reference
						<p>To the extent this claim is filed against a Debtor other than ESI, the supporting documentation made available to the Trustee only supports a claim in the amount of \$293,092.00. Therefore, the claim should be reduced to \$293,092.00.</p>	

EXHIBIT 4

Insufficiently Documented 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	Objection Page Reference
1.	<u>This Claim has been resolved and removed from this Exhibit.</u>						
2.	<u>This Claim has been resolved and removed from this Exhibit.</u>						
3.	<u>This Claim has been resolved and removed from this Exhibit.</u>						
4.	<u>This Claim has been withdrawn and removed from this Exhibit.</u>						
5.	Emmanuel Kwaku	1458	Extended Stay Inc.	Unliquidated	General Unsecured	The claim does not include sufficient documentation to determine its validity.	pp. 1-5, 7-8
6.	<u>This Claim has been resolved and removed from this Exhibit.</u>						
7.	<u>This Claim has been resolved and removed from this Exhibit.</u>						
8.	<u>This Claim has been resolved and removed from this Exhibit.</u>						
9.	John Cambiotis	1443	ESA PA Properties L.L.C.	\$250,000.00	General Unsecured	The claim does not include sufficient documentation to determine its validity.	pp. 1-5, 7-8
10.	<u>This Claim has been resolved and removed from this Exhibit.</u>						
11.	<u>This Claim has been resolved and removed from this Exhibit.</u>						

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Objection Page Reference
12.	Kevin McDougall	815	Extended Stay Hotels L.L.C.	Unliquidated	General Unsecured	The claim does not include sufficient documentation to determine its validity.	pp. 1-5, 7-8
13.	Naji Hamad	586	ESA TX Properties L.P.	Unliquidated	General Unsecured	The claim does not include sufficient documentation to determine its validity.	pp. 1-5, 7-8
14.	Penelope Zeller	1233	ESA P Portfolio L.L.C.	\$320,000	General Unsecured	The claim does not include sufficient documentation to determine its validity.	pp. 1-5, 7-8
15.	<u>This Claim has been resolved and removed from this Exhibit.</u>						