

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Case No. 09-13764 (JLG)
Related ECF No's: 1556, 1990, 1996, 2007

EXTENDED STAY INC., et al.,

Chapter 11

Debtors.

(Jointly Administered)

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**ORDER GRANTING LITIGATION TRUSTEE'S
ELEVENTH OMNIBUS OBJECTION TO CLAIMS
(Duplicate Claims)**

Upon the Successor Litigation Trustee's (the "Trustee") Eleventh Omnibus Objection to Claims (Duplicate Claims) (the "Objection," Docket No. 1556), dated January 18, 2012, seeking to disallow and expunge certain duplicate 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 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. 2007]; 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 Claimants, 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: August 10, 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. | Google Inc. | 54 | Extended Stay Inc. | \$182,603.26 | General Unsecured | The claim was filed against "Extended Stay Inc., et al." Consistent with the Plan, the Trust and Trustee have no obligation to object to claims against Extended Stay Inc. (" <u>ESI</u> "). To the extent this claim is filed against a Debtor other than ESI, this claim is duplicative of claim number 160. | 160 | pp. 1-7 |
| 2. | John Cambiotis | 1444 | ESA PA Properties L.L.C. | \$250,000 | General Unsecured | This claim is duplicative of claim number 1443. | 1443 | pp. 1-7 |
| 3. | John Cambiotis and Anastasia Lekkas | 129 | ESA PA Properties L.L.C. | \$250,000 | General Unsecured | This claim is duplicative of claim number 1443. | 1443 | pp. 1-7 |
| 4. | Las Vegas Valley Water District | 313 | Extended Stay Inc. | \$8,151.47 | General Unsecured | The claim was filed against "Extended Stay Inc., et al." Consistent with the Plan, the Trust and Trustee have no obligation to object to claims against Extended Stay Inc. (" <u>ESI</u> "). To the extent this claim is filed against a Debtor other than ESI, this claim is duplicative of claim | 279 | 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 |
|-----|---|----------------------|--------------------------|-----------------------|--------------------------|---|-----------------|--------------------------|
| | | | | | | number 279. | | |
| 5. | Lydecker Lee Berga & de Zayas LLC | 163 | Extended Stay Inc. | \$19,927.21 | General Unsecured | The claim was filed against "Extended Stay Inc., et al." Consistent with the Plan, the Trust and Trustee have no 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 is duplicative of claim number 949. | 949 | pp. 1-7 |
| 6. | Lydecker Lee Berga & de Zayas LLC | 190 | Extended Stay Inc. | \$19,927.21 | General Unsecured | The claim was filed against "Extended Stay Inc., et al." Consistent with the Plan, the Trust and Trustee have no 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 is duplicative of claim number 949. | 949 | pp. 1-7 |
| 7. | <u>This Claim has been resolved and removed from this exhibit.</u> | | | | | | | |
| 8. | Penelope Zeller | 1239 | ESA P Portfolio L.L.C. | \$320,000 | General Unsecured | This claim is duplicative of claim number 1233. | 1233 | pp. 1-7 |
| 9. | Peyton H. Owen, Jr. | 575 | Homestead Village L.L.C. | Unliquidated | General Unsecured | This claim is duplicative of claim number 569. | 569 | 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 |
|-----|---|----------------------|--------------------------|-----------------------|--------------------------|--|-----------------|--------------------------|
| 10. | Verizon | 226 | Extended Stay Inc. | \$950.01 | General Unsecured | The claim was filed against "Extended Stay Inc., et al." Consistent with the Plan, the Trust and Trustee have no 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 is duplicative of claim number 2001. | 2001 | pp. 1-7 |
| 11. | Zurich American Insurance Company and its affiliates see attachment | 22 | Homestead Village L.L.C. | Unliquidated | General Unsecured | This claim is duplicative of claim number 15. | 15 | pp. 1-7 |
| 12. | Zurich American Insurance Company and its affiliates see attachment | 30 | Extended Stay Inc. | Unliquidated | General Unsecured | The claim was filed against "Extended Stay Inc., et al." Consistent with the Plan, the Trust and Trustee have no 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 is duplicative of claim number 15. | 15 | pp. 1-7 |