

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

In re:	)	Chapter 11
	)	
ATA Holdings Corp., et al., <sup>1</sup>	)	Case No. 04-19866
	)	(Jointly Administered)
Debtors.	)	

**EMERGENCY MOTION TO ADD CERTAIN AGREEMENTS TO EXHIBIT B TO  
MOTION ON SHORTENED NOTICE FOR ENTRY OF AN ORDER AUTHORIZING  
CHICAGO EXPRESS AIRLINES, INC. TO REJECT EXECUTORY CONTRACTS,  
UNEXPIRED PERSONAL PROPERTY LEASES AND UNEXPIRED  
NONRESIDENTIAL REAL PROPERTY LEASES *NUNC PRO TUNC* TO THE  
EFFECTIVE DATE**

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Chicago Express Airlines, Inc. ("Chicago Express") respectfully moves (the "Motion") the Court for the entry of an Order, the proposed form of which is attached hereto as Exhibit A, adding certain agreements to Exhibit B attached to Chicago Express' Motion On Shortened Notice For Entry Of An Order Authorizing Chicago Express Airlines, Inc. To Reject Executory Contracts, Unexpired Personal Property Leases And Unexpired Nonresidential Real Property Leases *Nunc Pro Tunc* To The Effective Date (the "Rejection Motion") filed on March 22, 2005 (Docket No. 1769).

In support of this Motion, Chicago Express states as follows:

**JURISDICTION**

1. On October 26, 2004 (the "Petition Date"), each of the Debtors filed with the United States Bankruptcy Court for the Southern District of Indiana, Indianapolis Division (the "Bankruptcy Court"), its respective voluntary petition for relief under Chapter 11 of Title 11

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<sup>1</sup> The Debtors are the following entities: ATA Holdings Corp. (04-19866), ATA Airlines, Inc. (04-19868), Ambassadors Travel Club, Inc. (04-19869), ATA Leisure Corp. (04-19870), Amber Travel, Inc. (04-19871),

*Footnote continued on next page . . .*

of the United States Code, 11 U.S.C. §§ 101 et seq. as amended (the “Bankruptcy Code”) commencing these Chapter 11 Cases. The Debtors continue to operate their businesses and manage their properties as debtors-in-possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code.

2. No trustee has been appointed. On November 1, 2004, the United States Trustee appointed an official committee of unsecured creditors (the “Committee”) pursuant to § 1102(a)(1) of the Bankruptcy Code.

3. On March 7, 2005, the Court approved the appointment of an examiner for Chicago Express with an explicit circumscribed scope pursuant to a consent agreement filed among the Debtors, the Committee and NatTel, LLC (“NatTel”).

4. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper before this Court under 28 U.S.C. §§ 1408 and 1409.

5. The statutory basis for the relief sought herein are Sections 105 and 365(a) of the Bankruptcy Code.

### **BACKGROUND**

6. As more fully explained in the Rejection Motion, the Debtors have decided to undertake efforts to sell the assets and/or stock of Chicago Express.

7. Chicago Express filed the Rejection Motion, seeking entry of an order authorizing Chicago Express to reject the executory contracts and unexpired leases set forth on

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American Trans Air Execujet, Inc. (04-19872), ATA Cargo, Inc. (04-19873), and Chicago Express Airlines, Inc. (04-19874).

the Exhibit B attached to the Rejection Motion, with such rejection being effective as of 11:59 p.m. EST on March 31, 2005.

8. Chicago Express and the Metropolitan Airport Authority of Rock Island County, Illinois (the "Rock Island Authority") are parties to that certain Airport Use And Lease Agreement dated as of May 28, 2002 (the "Rock Island Agreement") whereby the Rock Island Authority leases certain facilities to Chicago Express and grants Chicago Express certain rights and privileges at the Quad-City International Airport (the "Quad-City Airport").

9. Chicago Express and the Lexington-Fayette Urban County Airport Board (the "Lexington Airport Board") are parties to that certain Lexington-Fayette Urban County Airport Board Blue Grass Airport Space/Use Permit (the "Lexington Agreement") whereby Chicago Express is granted the right to use and occupy certain space in the terminal building at Blue Grass Airport.

#### **RELIEF REQUESTED**

10. For the reasons stated below, Chicago Express requests that the Court enter an order adding the Rock Island Agreement and the Lexington Agreement to Exhibit B to the Rejection Motion.

#### **BASIS FOR RELIEF**

11. The Rock Island Agreement and the Lexington Agreement were inadvertently omitted from Exhibit B to the Rejection Motion. Allowing Chicago Express to include such agreements on Exhibit B to the Rejection Motion will not prejudice the counterparties.

12. Chicago Express vacated and surrendered possession of its space at Blue Grass Airport at least one year before the date of this Motion and vacated and surrendered possession of its space at Quad-City Airport on approximately January 8, 2005.

13. On or before March 30, 2005, Chicago Express will have informed the Rock Island Authority and the Lexington Airport Board of its intent to file this motion and to reject the agreements effective as of March 31, 2005.

**NO PRIOR REQUEST**

14. No prior motion for the relief requested herein has been made to this or any other Court.

WHEREFORE, Chicago Express requests that the Court enter an order, substantially in the form attached hereto as Exhibit A, adding the Rock Island Agreement and the Lexington Agreement to the Exhibit B to the Rejection Motion and setting the rejection of such agreements for hearing as if the Rock Island Agreement and Lexington Agreement had originally been included on Exhibit B to the Rejection Motion.

Respectfully submitted,

BAKER & DANIELS

By: /s/ Jeffrey C. Nelson

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served this 30<sup>th</sup> day of March, 2005, by electronic mail, facsimile, hand delivery or overnight mail on the Core Group, 2002 List, Appearance List, Rock Island Authority, and Lexington Airport Board.

/s/ Jeffrey C. Nelson \_\_\_\_\_