

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.	)	

**MOTION TO SHORTEN NOTICE ON  
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**

Chicago Express Airlines, Inc. ("Chicago Express"), one of the debtors and debtors in possession (collectively, the "Debtors") in the above-captioned chapter 11 cases (the "Chapter 11 Cases") hereby moves (the "Motion") this Court for an order (the "Order"), substantially in the form attached hereto as Exhibit A, pursuant to 11 U.S.C. §105(a) and Rules 2002(m) and 9007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") shortening notice of 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 (the "Rejection Motion") and scheduling the Rejection Motion for hearing on April 4, 2005.

In support of the Motion, Chicago Express represents as follows:

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

## **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 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. 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 is Section 105(a) of the Bankruptcy Code and Bankruptcy Rules 2002(m) and 9007.

## **RELIEF REQUESTED/BASIS FOR RELIEF**

6. For the reasons set forth below Chicago Express requests that the Court enter an order shortening notice of the Rejection Motion and schedule such motion for hearing on April 4, 2005.

7. Circumstances justify shortening notice of the Rejection Motion. As more particularly detailed in the Rejection Motion, the Debtors have decided in their sound business judgment to reject the Rock Island Agreement and the Lexington Agreement (as defined in the Rejection Motion). Chicago Express is no longer using many of the services, equipment, personal property and nonresidential real property that is the subject of the Rock Island Agreement and the Lexington Agreement, and will shortly cease using the remaining services, equipment, personal property, and nonresidential real property. Hearing the Rejection Motion on shortened notice will avoid exposing the Debtors and their estates to possible unnecessary administrative expenses.

**NO PRIOR REQUEST**

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

WHEREFORE, Chicago Express requests that the Court shorten notice of the Rejection Motion as described herein and hear such motion on April 4, 2005.

Respectfully submitted,

BAKER & DANIELS

By: /s/ Jeffrey C. Nelson

Attorneys for the Debtors and Debtors-in-Possession

James M. Carr (#3128-49)  
Terry E. Hall (#22041-49)  
Stephen A. Claffey (#3233-98)  
Melissa M. Hinds (#24230-49)  
Jeffrey C. Nelson (#25173-49)  
300 North Meridian Street, Suite 2700  
Indianapolis, Indiana 46204  
Telephone: (317) 237-0300  
Facsimile: (317) 237-1000

jim.carr@bakerd.com  
terry.hall@bakerd.com  
steve.claffey@bakerd.com  
melissa.hinds@bakerd.com  
jeffrey.nelson@bakerd.com

Wendy W. Ponader (#14633-49)  
Ponader & Associates, LLP  
5241 North Meridian Street  
Indianapolis, Indiana 46208  
Telephone: (317) 496-3072  
Facsimile: (317) 257-5776  
wponader@ponaderlaw.com

### **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