

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

In re:	)	Chapter 11
	)	
ATA Holdings Corp., et al.,	)	Case No. 04-19866 (BHL)
	)	
Debtors.	)	(Jointly Administered)

**NOTICE OF FILING AND CERTIFICATE OF SERVICE**

To: Attached Service List

Please take notice that on August 25, 2006, I have caused to be filed with the Clerk's Office of the United States Bankruptcy Court, Southern District of Indiana, via certified mail, a computer digital disk copy of the attached document, **UNSECURED CREDITORS' RESPONSE TO REORGANIZED DEBTORS' OBJECTION TO CERTAIN EMPLOYEE/DISCRIMINATION CLAIMS AND NOTICE OF RESPONSE DEADLINE AND HEARING.**

I further certify that I have caused copies of this document to be sent via U.S. Mail, postage prepaid and addressed to each of the parties on the attached serviced list.

Respectfully submitted:

/s/ John Thomas Moran, Jr.  
John Thomas Moran, Jr.

John Thomas Moran, Jr.  
JOHN T. MORAN & ASSOCIATES  
309 West Washington Suite 900  
Chicago, IL 60606  
phone: 312.630.0200  
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Service List:

- |    |  |    |   |
|----|--|----|---|
| 1. | Brian Hunt, General Counsel<br>ATA Airlines, Inc.<br>7337 W. Washington Street<br>Indianapolis, IN 46231-1328<br>Attn: Brian Hunt, General Counsel | 2. | James M. Carr<br>Terry E. Hall<br>Baker & Daniels, LLP<br>300 N. Meridian Street<br>Suite 2700<br>Indianapolis, IN 46204                              |
| 3. | Lisa Beckerman<br>Akin, Gump, Strauss, Hauer & Feld, LLP<br>590 Madison Avenue<br>New York, NY   | 4. | C. R. Bowles, Jr.<br>Greenebaum Doll & McDonald PLLC<br>3300 National City Tower<br>101 S. Fifth Street<br>Louisville, KY 40202                       |
| 5. | Daniel R. Leniham<br>Steven J. Reisman<br>Curtis, Mallet-Prevost, Colt & Mosle, LLP<br>101 Park Avenue<br>New York, NY 10178-0061                  | 6. | United States Department of Justice<br>Commercial Litigation Branch<br>Civil Division<br>P.O. Box 875, Ben Franklin Station<br>Washington, D.C. 20044 |
| 7. | David H. Heroy<br>Steven A. Domanowski<br>Bell, Boyd, & Lloyd, LLC<br>70 West Madison Street<br>Suite 3300<br>Chicago, IL 60602                    | 8. | Joe McGonigal<br>Office of the United States Trustee<br>101 West Ohio Street<br>Suite 1000<br>Indianapolis, IN 46204                                  |

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In re:	)	Chapter 11
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ATA Holdings Corp., et al.,	)	Case No. 04-19866 (BHL)
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Debtors.	)	(Jointly Administered)

**UNSECURED CREDITORS' RESPONSE TO REORGANIZED DEBTORS'  
OBJECTION TO CERTAIN EMPLOYEE/DISCRIMINATION CLAIMS AND NOTICE  
OF RESPONSE DEADLINE AND HEARING  
(Claim Nos. 221, 222, 226, 223, 229, 232, and 1391)**

Now comes your unsecured creditors, MARTHA ALEJANDRE (BMC 00232) ("Alejandre"), KIMBERLY WATSON (BMC 00223) ("Watson"), JENNA CASALE (BMC 00221) ("Casale"), SAMANTHA BYRD (BMC 00222) ("Byrd"), LORI DIEFENBACHER (BMC 00226) ("Diefenbacher"), and under a separate claim, JOHN T. MORAN, JR. (BMC 00229) ("Moran"), by and through their attorneys, JOHN T. MORAN & ASSOCIATES and submits the following response:

**ATA'S INTENTIONAL TORTS**

1. On or about August 25, 2004, Alejandre, Watson, Casale, Byrd, and Diefenbacher, (collectively, "ATA Flight Attendants") filed charge forms with EEOC alleging that ATA engaged in intentional torts and sex discrimination.
2. Each of the ATA Flight Attendants alleged intentional torts and damages resulting from the same occurrence and committed by instant Debtor, jointly defined as ATA Holdings Corp.<sup>1</sup>

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<sup>1</sup>Claim was filed against ATA Airlines, Inc. (04-19868) but for purposes of proceedings before this Court, Reorganizing Debtors have been classified under the umbrella titled ATA Holdings Corp., et al.

3. The intentional torts committed by the Debtor against ATA Flight Attendants consists of sex discrimination, disparate treatment, economic/social blackmail, and other non-dischargeable torts in bankruptcy proceedings.
4. Each female flight attendant, party to this objection, was accused of sexual misconduct by ATA. Such was documented in each flight attendants' personal file, without investigation by ATA.
5. On December 17, 2004, ATA Flight Attendants received their Notice of Right to Sue from the EEOC. (See Group Exhibit A).
6. ATA Flight Attendants each filed applicable proof of claims forms, received by Debtor/BMC Corp. on January 3, 2005.
7. ATA Flight Attendants, each with individual damages, have filed such claims as unsecured creditors with potential litigation pending and each seeking damages of approximately \$500,000.
8. ATA Flight Attendants, collectively object to any reorganization plan, currently published, already before the court, or yet to be filed, which seeks reduction of claimed amount to a lesser amount or complete discharge of their claims in Debtors' bankruptcy proceedings.

ATTORNEY JOHN T. MORAN, JR.

9. Beginning shortly after the incidents complained of, John T. Moran, Jr., was counsel for the group collectively referred to as ATA Flight Attendants.
10. ATA Holdings, their counsel, and representatives were aware that Mr. Moran was representing ATA Flight Attendants for purposes of all matters related to their complaints.
11. ATA Holdings, approached each listed party above, outside the presence of their counsel, and without permission of counsel, and attempted to negotiate resolution of this matter. Such resolution consisted of and was conditioned upon the immediate termination of counsel by each party.
12. ATA Flight Attendants' counsel was filed a proof of claim (00229) against ATA Holdings for the intentional tort of interference with prospective advantages - an intentional tort not subject to discharge in bankruptcy proceedings.
13. Mr. Moran objects to any reorganization plan, currently published, already before the court, or yet to be filed, which seeks reduction of claimed amount to a lesser amount or complete discharge of their claims in Debtors' bankruptcy proceedings.

Wherefore, all listed parties above, with Proof of Claims timely filed, object to any proposed plan of defendants' that would reduce, limit, or otherwise determine the amount which can be sought by the unsecured creditors with pending litigation, should such litigation proceed in either the State Court of Illinois or United States District Court, Eastern District of Illinois.

Respectfully submitted:

/s/ John Thomas Moran, Jr.  
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