

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ATA HOLDINGS COPR., ET AL.

CH. 11

DEBTORS

04-19866

RESPONSE TO DEBTORS' OBJECTION TO CLAIMS 1829 and 2159
FILED BY THE NEW YORK STATE DEPARTMENT OF TAXATION AND
FINANCE

The New York State Department of Taxation and Finance by Elaine Z. Cole, Esq., of counsel, responds to the Debtors' Objection to Claims 1829 and 2159 as follows:

1. The Debtors object to the above numbered claims on the ground that claim 2159 amends claim 1829, and that claim 2159 adds liabilities "without supporting documentation."
2. A claim is presumptively valid. Claim 2159 makes clear that the increased amount is due to an audit for corporation taxes for the period ending December 31, 2004.
3. The audit was performed on the books and records maintained by ATA Airlines, Inc.
4. The Debtor corporation had the opportunity to fully participate in the audit and timely challenge the resulting assessments. It failed to do so.

5. Therefore, claim 2159 should be allowed in the amount stated.

Respectfully submitted,

August 22, 2006

New York State Department of
Taxation and Finance
Christopher C. O'Brien, Counsel

/s/

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CERTIFICATION OF SERVICE

The undersigned hereby certified that the foregoing was served this
22nd day of August, 2006 by Federal Express overnight delivery on :

Terry E. Hall
James M. Carr
Lisa Beckerman
U. S. Trustee