

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

IN RE:) Chapter 11
)
ATA HOLDINGS CORP., *et al.*,) Case No. 04-19866
) (Jointly Administered)
Debtors.)

OBJECTION TO MOTION FOR RELIEF FROM STAY

ATA Airlines, Inc. ("ATA") objects to the Motion for Relief From Stay filed on January 17, 2007 (Docket No. 4610) (the "Motion") by Vincent Tribo. The Automatic Stay (as hereinafter defined) was previously dissolved by this Court. Moreover, there is no cause to lift this Court's injunction that enjoins prosecution of the Lawsuit (as hereinafter defined). Mr. Tribo failed to file a proof of claim in this case and his alleged claims were discharged.

1. The Motion seeks relief that is unavailable. On January 31, 2006, this Court entered an order (the "Confirmation Order") confirming the First Amended Joint Chapter 11 Plan For Reorganizing Debtors¹ (the "Plan"). The Motion seeks relief from the automatic stay provided by Section 362 of the Bankruptcy Code² (the "Automatic Stay") so that a personal injury lawsuit filed by Mr. Tribo against ATA in Cook County, Illinois (the "Lawsuit")³ may proceed. Pursuant to the Confirmation Order, the Automatic Stay was dissolved on February 28, 2006, the effective date of the Plan (the "Effective Date").

2. The Automatic Stay was dissolved, but the Confirmation Order enjoins creditors from pursuing pre-Effective Date claims against ATA. The Lawsuit alleges Mr. Tribo

¹ ATA is a Reorganizing Debtor.

² 11 U.S.C. §§ 101 *et seq.*

³ The Lawsuit is captioned *Vincent Tribo v. ATA Airlines, Inc. and Unknown Flight Attendant* and is pending in the Circuit Court of Cook County, Illinois, County Department - Law Division, as Cause No. 06L 066058.

suffered personal injury on August 31, 2004 as a result of the alleged actions of ATA and its employees. Filing the Lawsuit violated the Court's injunction. To the extent the Motion intends to seek a modification of that injunction to allow the Lawsuit to proceed rather than for relief from the Automatic Stay, ATA objects.

3. Confirmation of the Plan discharged ATA from all debts arising prior to confirmation. The distribution and rights provided for in the Plan are in complete satisfaction of all such debts. The only relief that was available to Mr. Tribo was a distribution under the Plan. However, Mr. Tribo failed to file a proof of claim in this case and is therefore precluded from receiving any distribution on the claims alleged in the Lawsuit. The claims asserted in the Lawsuit were discharged and Mr. Tribo has no basis to continue to pursue them.

4. For the reasons set forth herein, the Motion should be denied.

Respectfully submitted,

BAKER & DANIELS LLP

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 31st day of January, 2007, by electronic mail or first class United States mail, postage prepaid, on the Core Group, 2002 List, Appearance List, and Vincent Tribo.

/s/ Jeffrey C. Nelson