

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

In re: ) Chapter 11  
)  
ATA AIRLINES, INC., ) Case No. 08-03675-BHL-11  
)  
Debtor. )

**DEBTOR’S FIFTH OMNIBUS  
OBJECTION PURSUANT TO FEDERAL  
RULE OF BANKRUPTCY PROCEDURE  
3007 TO CLAIMS THAT (I) ASSERT AN  
INCORRECT PRIORITY STATUS, (II)  
ARE DUPLICATIVE OR HAVE BEEN  
AMENDED, (III) DO NOT COMPLY  
WITH APPLICABLE FORM OR RULES,  
OR (IV) HAVE BEEN SATISFIED**

Hearing:	January 28, 2009 1:30 p.m. EST
Location:	110 U.S. Courthouse 121 West Spring Street New Albany, IN 47150
Telephonic Participation	
Dial-In:	1 -877-213-2541
Passcode:	5970866#

**THIS IS AN OBJECTION TO YOUR CLAIM. YOU SHOULD LOCATE YOUR NAME AND CLAIM ON EXHIBIT A TO THIS OBJECTION.**

**YOU SHOULD IMMEDIATELY CONTACT THE OBJECTING PARTY TO RESOLVE THE DISPUTE. IF YOU DO NOT REACH AN AGREEMENT, YOU MUST FILE A RESPONSE TO THIS OBJECTION AND SEND A COPY OF YOUR RESPONSE TO THE OBJECTING PARTY NO LATER THAN 3 DAYS PRIOR TO THE HEARING. YOUR RESPONSE MUST STATE WHY THE OBJECTION IS NOT VALID. IF YOU DO NOT FILE A TIMELY RESPONSE, YOUR CLAIM MAY BE DISALLOWED WITHOUT FURTHER NOTICE OR HEARING. IF YOU FILE A TIMELY RESPONSE, THE HEARING WILL BE A PRE-TRIAL CONFERENCE FOR THE PURPOSE OF SETTING DISCOVERY AND TRIAL DATES AND DEADLINES.**

Pursuant to Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), ATA Airlines, Inc. (the “Debtor”) files its Fifth Omnibus Objection to claims (the “Omnibus Objection”), and respectfully represents:

### **Jurisdiction**

1. This Court has jurisdiction to consider the Omnibus Objection pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding under 28 U.S.C. § 157(b)(2). Venue is proper in this Court under 28 U.S.C. §§ 1408 and 1409.

### **Background**

2. On April 2, 2008 (the "Petition Date"), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of Indiana, Indianapolis Division (the "Court").

3. Prior to the Petition Date, the Debtor operated a diversified international passenger airline that operated in two principal business segments: (a) a low cost carrier operation that provided scheduled passenger service that leveraged a code share agreement with Southwest Airlines and (b) a charter operation focusing primarily on providing charter service to the United States government/military.

4. On August 7, 2008, the Court entered an Order Granting Motion to Establish a Bar Date for Filing Proofs of Claim and Approving Form and Manner of Notice Thereof (the "Bar Date Order"). Pursuant to the Bar Date Order, the deadline for filing a proof of claim was established as October 2, 2008 at 5:00 p.m. prevailing Eastern Time.

5. As of the filing of this Omnibus Objection, more than four thousand proofs of claim have been filed by claimants in this chapter 11 case. The Debtor has reviewed and analyzed those proofs of claim, and has determined that many of them are defective or otherwise objectionable.

6. A list of the objectionable proofs of claim (each a "Claim" and collectively, the "Claims") is attached hereto as **Exhibit A**. **Exhibit A** identifies each Claim by: (i) the name of

the claimant; (ii) the date the proof of claim was filed; (iii) the official proof of claim number; (iv) the amount of the proof of claim; (vi) the basis for the objection; and (vii) the proposed disposition for the proof of claim

**Relief Requested and Applicable Authority**

7. By this Omnibus Objection, the Debtor is seeking, on various grounds, to (i) disallow and expunge; or (ii) change the priority status of the Claims as set forth on the attached **Exhibit A**. The specific basis for the Debtor's objection to each Claim is identified in **Exhibit A** by reference to an objection code letter. The objection code letters have the following meaning:

<b><u>Objection Code</u></b>	<b><u>Basis for Objection</u></b>
<b>A</b>	The Debtor objects to these Claims because they are duplicative of another Claim, or have been amended by a subsequently filed Claim.
<b>B</b>	The Debtor objects to these Claims because they were not timely filed.
<b>C</b>	The Debtor objects to these Claims because they were presented in a form that does not comply with applicable rules because they did not attach supporting documentation, or the attached documentation is insufficient to properly establish the Claim, and the Debtor is unable to determine the validity of the Claim because of the noncompliance.
<b>D</b>	The Debtor objects to these Claims because they assert an incorrect priority status. The Debtor objects to certain priority unsecured proofs of claim because they fail to select a specific basis for asserting priority, the same amount is indicated as priority and non-priority, and/or these proofs of claim were filed as entitled to priority pursuant to 11 U.S.C. §507 and/or §503(b)(9) and the Debtor does not believe they are entitled to the asserted priority status. The Debtor objects to certain secured proofs of claim because these Claims are not secured by assets that are property of the Debtor's chapter 11 estate.
<b>E</b>	The Debtor objects to these Claims because they have been satisfied by other sources, including, but not limited to credit card refunds, reimbursement by travel agencies, or recoveries from trip or travel insurance.

**Reservation of Rights**

8. The requested relief is without prejudice to any claims or causes of action belonging to the bankruptcy estate, nor does it constitute any waiver of claims or causes of action belonging to the bankruptcy estate. The requested relief, including any recharacterization of a Claim, does not constitute allowance of the Claim unless expressly stated in the proposed disposition of such Claim, and the Debtor expressly reserves the right to object to the allowance of any Claim not otherwise specifically allowed herein. Additionally, the Debtor expressly reserves the right to amend, modify or supplement the Omnibus Objection, and to file additional objections, both technical and substantive, to the Claims.

**Responses to the Objection**

9. Any claimant that wishes to contest the relief requested in this Omnibus Objection must file with the Court and serve a written response no later than 5:00 p.m. EDT on January 23, 2009. Responses must be served by United States mail, overnight delivery, hand delivery, facsimile, or email to Debtor's counsel as follows:

Blaine F. Bates  
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Haynes and Boone, LLP  
1221 McKinney Street, Suite 2100  
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and

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300 N. Meridian Street, Suite 2700  
Indianapolis, Indiana 46204  
Fax: (317) 237-1000  
Email: terry.hall@bakerd.com

**No Prior Request**

10. No prior request for the relief set forth herein has been made to this or any other court.

WHEREFORE, the Debtor respectfully requests entry of an order (i) sustaining the Omnibus Objection for each of the Claims as set forth on the attached **Exhibit A**, and (ii) granting such other legal and equitable relief to which the Debtor is entitled.

Dated: December 16, 2008

BAKER & DANIELS LLP

/s/ Terry E. Hall

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- and -

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