

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: : Chapter 11
:
AIRFASTTICKETS, INC., : Case No. 15-11951 (SHL)
:
Debtor. :
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**ORDER CONCERNING FIRST OMNIBUS OBJECTION OF
THE LIQUIDATING TRUST OF AIRFASTTICKETS, INC.
TO PROOF OF CLAIM NO. 86 FILED BY FAREPORTAL, INC.**

Upon consideration of the first omnibus claims objection [ECF No. 280] (the “Objection”)¹ of Liquidating Trust of Airfasttickets, Inc. (the “Liquidating Trust”), which was filed through Adam Meislik, the duly appointed liquidating trustee of the Liquidating Trust (the “Trustee”), pursuant to the Confirmed Plan of Airfasttickets, Inc. (the “Debtor”), by its counsel, Arent Fox LLP (“Arent Fox”), seeking, among other things, entry of an order disallowing and expunging proof of claim no. 86 (the “Claim”) filed by Fareportal, Inc. (“Fareportal”, and together with the Liquidating Trust, the “Parties”), as supported by the declaration of Brian S. Weiss [ECF No. 280-3] (the “Weiss Declaration”); and upon consideration of the Objection and Fareportal’s response to the Objection [ECF No. 287] (the “Response”), and the Liquidating Trust’s reply and status report with regard to responses to the Objection [ECF No. 290], as supported by the declaration of George V. Utlik (the “Utlik Declaration”) [ECF No. 290-1]; and upon the hearing (the “Hearing”) on the Objection and the Response having been held before this Court; and upon the statements and representations of counsel at the Hearing; and it appearing that due and adequate notice of the Objection has been given, and that no other or further notice need be given; and it appearing that the legal and factual bases set forth in the Objection as to the

¹ All capitalized terms not defined herein shall have the meaning ascribed to them in the Objection.

Claim and on the record at the Hearing do not, at this time, establish just cause for granting the relief in the Objection as to the Claim; and the parties and the Court having acknowledged that Fareportal is currently prosecuting actions against the Buyer (among others), as that term is defined in this Court's *Order Authorizing the Sale of Property Free and Clear of Liens, Claims, and Encumbrances and Other Interests* [ECF No. 65] (the "Sale Order"), in each of the Supreme Court of New York, New York County, under Index No. 653995/2016, and in the U.S. District Court for the Southern District of New York under Case No. 16-cv-09882 (the "District Court Action"), the latter of which is alleged to relate to and may provide information and evidence in connection with the Claim; and this Court having preserved jurisdiction on the interpretation and effect of the Sale Order as it may relate to assets sold to the Buyer and which may be the subject of the District Court Action; and after due deliberation and sufficient cause appearing therefor; it is hereby

ORDERED, that the adjudication of the Objection to the Claim is now a contested matter (the "Contested Matter") pursuant to Rule 9014 of the Federal Rules of Bankruptcy Procedure for the reasons stated at the Hearing and that further consideration of the Objection to the Claim and any other or further objections that the Liquidating Trust may have thereto are stayed pending further order of this Court; and it is further

ORDERED, that the Parties reserve all of their respective rights, including without limitation, (A) the Liquidating Trust's right to amend, modify, or supplement the Objection and to assert further or other arguments that the Claim should be (i) disallowed (a) on the basis that it was filed after the Claims Bar Date, (b) pursuant to section 502(e)(1) of the Bankruptcy Code, or (c) on any other or further substantive or procedural grounds permitted under bankruptcy and non-bankruptcy law, or (ii) estimated under section 502(c) of the Bankruptcy Code, and (B)

Fareportal's rights to oppose any such objections or arguments to disallow or estimate the Claim, file a motion to authorize a late-filed proof of claim, or seek any other or further relief related to the Claim; and it is further

ORDERED, that the Parties shall appear before the Court for a case status conference concerning the Contested Matter on May 24, 2017 at 10:00 a.m. which conference may be attended by either or both parties by telephonic appearance; and it is further

ORDERED, that this Court shall retain jurisdiction with respect to any matters arising from or related to the Claim and the interpretation and implementation of this Order.

Dated: New York, New York
April 11, 2017

/s/ Sean H. Lane
HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE