

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

FILED
U S B C SOUTHERN DISTRICT OF NEW YORK
ALLEGIANCE TELECOM, INC
03-13057 (RRD)

213

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- Chapter 11

In re

Case No 03-13057 (RDD)
(Jointly Administered)

ALLEGIANCE TELECOM, INC , *et al* ,

Debtors x

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REC'D JUL 11 2003

**PROOF OF LEASE REJECTION CLAIM
OF HITACHI ELECTRONIC DEVICES (USA), INC**

1 The undersigned is a Vice President and the Corporate Secretary of Hitachi Electronic
Devices (USA), Inc , the claimant herein (the "Claimant"), with offices located at 1740 Technology
Drive, San Jose, California 95110, and is authorized to execute this proof of claim on Claimant's behalf

2 Based on the Debtors' rejection of the sublease (the "Sublease") dated April 12, 2000
between Claimant and Allegiance Telecom, Inc , a debtor herein ("ATI"), for 3,683 rentable square feet
of premises known as Suite 450 located on the fourth floor of a building located at 1740 Technology
Drive, San Jose, California 95110 (the "Subleased Premises"), ATI is and remains liable to Claimant as
set forth below

3 The basis of ATI's liability to Claimant is as follows

A Assuming an effective date of rejection of June 13, 2003, administrative rent of
\$5,551 92, which is 43 33% (13 days divided by 30 days) of the total of the base rent of \$9,097 01 plus
operating costs of \$3,716 09 due under the Sublease, which claim is entitled to a first priority pursuant to
11 *U S C* § 507(a)(1), plus

B Assuming an effective date of rejection of June 13, 2003, lease rejection damages
of \$159,650 00, which is the base rent and operating costs due under the Sublease for the period June

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2003 through May 2004, pursuant to 11 U S C § 502(b)(6)(a), plus

C An as of yet unliquidated amount representing the cost to return the Subleased Premises to their original condition, if so required by the owner of the premises, pursuant to Section 10 of the Sublease

4 Other than the security deposit of \$15,026 54 held by Claimant pursuant to the Sublease, no security is held for this claim

5 No judgment has been rendered on this claim

6 This claim is not subject to any set-off or counterclaim

7 Claimant reserves the right to amend or supplement this proof of claim

HITACHI ELECTRONIC DEVICES (USA), INC

By 
Lawrence W Davis Jr

Dated June 26, 2003

Penalty for Presenting Fraudulent Claim Fine of not more than \$500,000 or imprisonment for not more than five (5) years or both Title 18 U S C §§ 152 and 3571