

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

PROOF OF CLAIM



s4078

In re
Allegiance Telecom of Maryland, Inc

Case Number
03-13077

YOUR CLAIM IS SCHEDULED AS

**FILED UNDETERMINED UNSECURED CONTINGENT
DISPUTED CLAIM**

NOTE This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

U.S.B.C. SOUTHERN DISTRICT OF NEW YORK

**ALLEGIANTELECOM, INC
03-13057 (RRD)**

Name of Creditor and Address

03805888077274

DYER ANNEISE
C/O ERIC F ROSENBERG ROSENBERG & FAYNE LLP
5402 KENILWORTH AVE
RIVERDALE MD 20737



Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

Check box if you have never received any notices from the bankruptcy court in this case.

Check box if this address differs from the address on the envelope sent to you by the court.

709

The amounts reflected above constitute your claim as scheduled by the Debtor. If you agree with the amounts set forth herein and have no other claim against the Debtor, you do not need to file this proof of claim EXCEPT as stated below.

If the amounts shown above are listed as Contingent Unliquidated or Disputed, a proof of claim must be filed. If you have already filed a proof of claim with the Bankruptcy Court or BMC, you do not need to file again.

Creditor Telephone Number **(301) 864 2900**

CREDITOR TAX ID #

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR
CV05-02-0005607-2003

Check here replaces or amends a previously filed claim dated _____

1 BASIS FOR CLAIM

Goods sold Personal injury/wrongful death Retiree benefits as defined in 11 U.S.C. § 1114

Services performed Taxes Wages, salaries, and compensation (Fill out below)

Money loaned Other (describe briefly)

Your social security number _____

Unpaid compensation for services performed from _____ to _____

(date) (date)

REC'D OCT 17 2003

2 DATE DEBT WAS INCURRED **4-18-02** **3 IF COURT JUDGMENT, DATE OBTAINED**

4 TOTAL AMOUNT OF CLAIM AS OF PETITION DATE \$ **25,000.00** (unsecured) \$ _____ (secured) \$ _____ (unsecured priority) \$ _____ (total)

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

5 SECURED CLAIM

Check this box if your claim is secured by collateral (including a right of setoff).

Brief description of collateral

Real Estate Motor Vehicle Other _____

Value of collateral \$ _____

Amount of arrearage and other charges at time case filed included in secured claim above, if any \$ _____

6 UNSECURED PRIORITY CLAIM

Check this box if you have an unsecured priority claim.

Specify the priority of the claim

Wages, salaries, or commissions (up to \$4,650*) earned within 90 days before filing of the bankruptcy petition or cessation of the Debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3)

Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4)

Up to \$2,100* of deposits toward purchase, lease, or rental of property or services for personal family or household use - 11 U.S.C. § 507(a)(6)

Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7)

Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8)

Other: Specify applicable paragraph of 11 U.S.C. § 507(a) _____

Amounts are subject to adjustment on 4/1/01 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

7 CREDITS The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

8 SUPPORTING DOCUMENTS Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

9 DATE-STAMPED COPY To receive an acknowledgment of your claim, please enclose a self-addressed stamped envelope and an additional copy of this proof of claim.

The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is received on or before 4:00 p.m., October 1, 2003, Eastern Daylight Time.

BY MAIL TO United States Bankruptcy Court
re Allegiance Telecom, Inc et al
P O Box 95 Bowling Green Station
New York, NY 10274

BY HAND OR OVERNIGHT DELIVERY TO Clerk of the United States Bankruptcy Court
re Allegiance Telecom, Inc et al
One Bowling Green 6th Floor
New York, NY 10004-11408



00742

DATE SIGNED
10/7/03

SIGN and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any).

ERIC F ROSENBERG, Counsel For Creditor

RECEIVED
OCT 14 2003
CLAIMS PROCESSING CENTER
USBC SDNY

Penalty for presenting fraudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 AND 3571

See Other Side For Instructions

IN THE DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

ANNELISE DYER *
112 Sultan Avenue *
Capitol Heights, MD 20743 *

Plaintiff *

v

* **Case No. CV5-05607-03**

DAVID YELDELL *
412 Oneida Place *
Washington, DC 20011 *

and *

ALLEGIANCE TELECOM OF *
MARYLAND, INC *

Serve *
CORPORATION TRUST INCORPORATED*
300 E Lombard Street *
Baltimore, MD 21202 *

Defendants *

AMENDED COMPLAINT
(Automobile Accident - Negligence)

Plaintiff, Annelise Dyer, by and through undersigned
counsel, sues the Defendants and for a cause of action
alleges as follows

1 Plaintiff is an adult citizen of the United States
and a resident of Prince George's County, Maryland

2 Upon information and belief, Defendant David
Yeldell (hereinafter referred to as "Yeldell") is an adult
citizen of the United States and a resident of the District
of Columbia

3 Upon information and belief, Defendant Allegiance Telecom of Maryland, Inc referred to as "Allegiance") is a Maryland corporation doing business in Maryland at all times herein mentioned

4 Defendant Yeldell, at all times herein mentioned, was employed by and in the course of his employment for Defendant Allegiance

5 Defendant Allegiance is liable for the conduct of Defendant Yeldell occurring during the course of said Defendant's employment for Allegiance pursuant to the doctrine of respondeat superior

6 This cause of action arises from a motor vehicle accident which occurred in the District of Columbia

7 On or about, April 18, 2002, Plaintiff Annelise Dyer was a passenger in a vehicle which was traveling eastbound on Military Road, when Defendant Yeldell struck the rear of the vehicle in which Plaintiff was a passenger

8 At that time, it was the duty of Defendant to operate his motor vehicle in a careful and prudent manner for the conditions then existing This duty included, but was not limited to, dedicating full time and attention to the operation of his motor vehicle, refraining from striking other vehicles lawfully on or about the roadway, operating his vehicle at the posted speed limit, and otherwise obeying

the vehicular laws of the District of Columbia

9 Defendant breached these duties when he struck the rear of the vehicle in which Plaintiff was a passenger. The accident was caused by Defendant's failure to pay full time and attention to the operation of his vehicle, avoid striking other vehicles lawfully on or about the roadway, operate his vehicle at the posted speed limit, and his failure to otherwise obey the vehicular laws of the District of Columbia.

10 Plaintiff in no way contributed to the happening of the accident nor did she assume the risk of the injuries she sustained.


11 As a direct and proximate result of the conduct of Defendant Yeldell, Plaintiff sustained a loss of property and injuries to her person, some of which are permanent in nature. Plaintiff has also suffered and will continue to suffer from anxiety and post-traumatic stress as well as great pain of body and mind, has incurred and will continue to incur medical and out-of-pocket expenses, and has and will be otherwise damaged in the future.

WHEREFORE, Plaintiff Annelise Dyer demands judgment against Defendant, jointly and individually, in the sum of

TWENTY-FIVE THOUSAND DOLLARS (\$25,000 00) for economic and non-damages plus interest and costs of this action

Respectfully submitted
ROSENBERG & FAYNE, L L P


By


Eric F. Rosenberg
Attorneys for the Plaintiff
5402 Kenilworth Avenue
Riverdale, Maryland 20737
(301) 864-2900

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of April, 2003, I mailed, postage prepaid, a copy of the foregoing Amended Complaint to

David P Bokow, Esquire
Johnson, Jones, & McGough
218 North Charles Street
Suite 200
Baltimore, MD 21201


Eric F Rosenberg