

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

PROOF OF CLAIM



s4079

In re Allegiance Telecom of Maryland, Inc

Case Number 03-13077

YOUR CLAIM IS SCHEDULED AS

NOTE This form should not be used to make a claim for an administrative expense arising after the commencement of the case...

U.S.B.C. SOUTHERN DISTRICT OF NEW YORK ALLEGIANCE TELECOM, INC 03-13057 (RRD) 710

Name of Creditor and Address DYER NEIL 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... 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

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 CV 0502-0005606-2003

Check here if this claim replaces or amends a previously filed claim dated

1 BASIS FOR CLAIM: Goods sold, Services performed, Money loaned, Personal injury/wrongful death, Taxes, Other, Retiree benefits, Wages salaries and compensation. Includes social security number and unpaid compensation dates.

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.

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*), Contributions to an employee benefit plan, Up to \$2 100* of deposits toward purchase lease or rental of property or services for personal family or household use, Alimony maintenance or support owed to a spouse former spouse or child, Taxes or penalties owed to governmental units, Other - Specify applicable paragraph of 11 U.S.C. § 507(a).

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



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, Esq. - 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

NEIL A DYER *
112 Sultan Avenue *
Capitol Heights, MD 20743 *

Plaintiff *

v * **Case No. CV5-05606-03**
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, Neil A 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 Neil A Dyer was operating a vehicle eastbound on Military Road, when Defendant Yeldell struck the rear of Plaintiff's vehicle

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 Plaintiff's vehicle 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 he assume the risk of the injuries he sustained

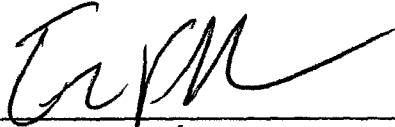
11 As a direct and proximate result of the conduct of Defendant Yeldell, Plaintiff sustained a loss of property and injuries to his person, some of which are permanent in nature Plaintiff has also suffered and will continue to suffer from anxiety and post-traumatic stress as well as great pain of body 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 Neil A 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