

OCT 1 2

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

PROOF OF CLAIM



s4099

In re Allegiance Telecom of California, Inc

Case Number 03-13069

YOUR CLAIM IS SCHEDULED AS

UNDETERMINED UNSECURED CONTINGENT DISPUTED UNLIQUIDATED

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

Check box if you are aware that anyone else has filed a proof of claim relating to your claim...

Name of Creditor and Address MINTON FLORENCE C/O ROBERT G JOHNSON 30131 TOWN CENTER DRIVE SUITE 147 LUGNA NIGUEL CA 92677



03805888077295

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 the amounts shown above are listed as Contingent, Unliquidated or Disputed a proof of claim must be filed...

Creditor Telephone Number 949 495-1211

CREDITOR TAX ID # 096-54-7222

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR

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

1 BASIS FOR CLAIM

- Goods sold, Personal injury/wrongful death, Services performed, Taxes, Money loaned, Other (describe briefly)

- Retiree benefits as defined in 11 U.S.C. § 1114(a), Wages salaries and compensation (Fill out below)

REC'D OCT 22 2003

Your social security number 096-54-7222 Unpaid compensation for services performed from 02/02 to 04/02

2 DATE DEBT WAS INCURRED 02/15/02-present

3 IF COURT JUDGMENT, DATE OBTAINED

4 TOTAL AMOUNT OF CLAIM AS OF PETITION DATE \$ 4,000,000.00 (unsecured) \$ (secured) \$ (unsecured priority) \$ 4,000,000.00 (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\* 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).

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

THIS SPACE FOR COURT USE ONLY

RECEIVED OCT 10 2003 CLAIMS PROCESSING CENTER Allegiance Claim

DATE SIGNED 10/06/03

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) Robert G Johnson

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



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# PROOF OF CLAIM

Attachment

## 8 SUMMARY OF SUPPORTING DOCUMENTS

Creditor Florence Minton filed a complaint for damages on February 13, 2003 alleging the following causes of action 1 Wrongful Termination in Violation of Public Policy, 2 Employment Discrimination - Disability Discrimination [Cal Gov't Code § 12940], 3 Employment Discrimination - Disability Harassment [Cal Gov't Code § 12940], 4 Employment Discrimination - Failure to Provide Reasonable Accommodations [Cal Gov't Code § 12940(m)&(n)], 5 Statutory Violation [Moore-Brown-Roberti Family Rights Act - Cal Gov't Code § 12945.2], 6 Employment Discrimination - Sexual Orientation Discrimination [Cal Gov't Code § 12940], 7 Employment Discrimination - Retaliation [Cal Labor Code § 98.6], 8 Breach of Contract, 9 Failure to Pay Wages [Cal Labor Code § 201 et Seq], 10 Consumer Fraud [Cal Bus & Prof Code § 17200 et Seq]

This case was assigned to Hon Gerald G Johnston, Department 29 of the in the Superior Court of California, County of Orange, Central Justice Center, with a case number of 03CC03371 Hon Johnston has ordered the matter suspended as of August 13, 2003, and set a Bankruptcy Review Hearing on February 26, 2004

**PROOF OF SERVICE**

I hereby declare

I am employed in the County of Orange, State of California, at the time of service I was at least 18 years of age, not a party to the within action, and my business address is Law Offices of Robert G Johnson, Jr , 30131 Town Center Drive, Suite 147, Laguna Niguel California 92677

On **October 14 2003** I served a true and correct copy of the **Proof of Claim** on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at Laguna Niguel, California, addressed as follows

Debtor  
Allegiance Telecom, Inc, et al  
9201 North Central Expressway  
Dallas, TX 75231

Debtor's Counsel  
Matthew A Contor, Esq  
Jonathan S Henes, Esq  
Kirkland & Ellis  
Citigroup Center  
153 East 53rd Street  
New York, NY 10022

Official Committee of Unsecured Creditors  
Ira S Dizengoff, Esq  
Philip C Dublin, Esq  
Akin Gump Strauss Hauer & Feld LLP  
590 Madison Avenue  
New York, NY 10022

I declare under penalty of perjury under the laws of the State of California that the above is true and correct

Executed this 14 th day of October, 2003 at Laguna Niguel, California

  
CATHERINE M BURKE

Law Offices of  
**ROBERT GREY JOHNSON, JR**  
30131 Town Center Drive, Suite 147  
Laguna Niguel, CA 92677

Robert G Johnson, Jr  
Catherine M Burke

Office Administrator  
Larene Pace

Telephone (949) 495-1211  
Facsimile (949) 495-7736  
E-mail [cburke@robertgreyjohnson.com](mailto:cburke@robertgreyjohnson.com)

October 14, 2003

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

Re **In re Allegiance Telecom of California, Inc**  
Case No 03-13069

Dear Clerk of the Court

We have previously filed the Proof of Claim of Creditor, Florence Minton. However, we did not attach a proof of service. Therefore, we are re-submitting the Proof of Claim of Creditor, Florence Minton with a proof of service. Please provide our office with an acknowledgment of Ms. Minton's claim. We have enclosed a self-addressed stamped envelope for your convenience.

Thank you for your assistance and cooperation in this matter. Should you have any questions or concerns, please do not hesitate to contact our offices.

Very truly yours,

LAW OFFICES OF ROBERT GREY JOHNSON, JR



CATHERINE M. BURKE

CMB/cb

enclosure