

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

**PROOF OF CLAIM**



CRDID 67316

In re  
**ALLEGIANCE TELECOM OF TEXAS,  
INC.,**  
Debtor

Case Number  
**03-13095**

FILED  
U.S. DISTRICT COURT OF SOUTHERN DISTRICT OF NEW YORK  
**ALLEGIANCE TELECOM, INC**  
**03-13057 (RRD)**

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

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.

Name of Creditor and Address  
 03805890067316  
  
TOMPKINS MCGUIRE WACHENFELD & BARRY  
FOUR GATEWAY CTR 100 MULBERRY ST  
NEWARK NJ 07102-4070

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.

920  
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 ( )

CREDITOR TAX ID #  
**22-249-1440**

ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR  
**1126-121**

Check here  replaces or  amends a previously filed claim dated \_\_\_\_\_

**1 BASIS FOR CLAIM**

- Goods sold
  - Services performed
  - Money loaned
  - Personal injury/wrongful death
  - Taxes
  - Other (describe briefly)
  - Retiree benefits as defined in 11 U.S.C. § 1114(a)
  - Wages salaries and compensation (Fill out below)
- Your social security number \_\_\_\_\_  
Unpaid compensation for services performed from \_\_\_\_\_ to \_\_\_\_\_ (date) (date)

**2 DATE DEBT WAS INCURRED** **6/3/02-03/07/03**

**3 IF COURT JUDGMENT, DATE OBTAINED**

**4 TOTAL AMOUNT OF CLAIM AS OF PETITION DATE** \$ **6,038.05** (unsecured) \$ \_\_\_\_\_ (secured) \$ **6,038.05** (total) (unsecured priority)

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.

REC'D OCT 22 2003

**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. **SEE INVOICES DATED 12/20/02 & 5/13/03**

**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



RECEIVED  
OCT 20 2003  
CLAIMS PROCESSING CENTER  
USBC, SDNY

DATE SIGNED  
**10/10/03**

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).  
**Tompkins, McGuire, Wachenfeld & Barry LLP**  
By *Andrew T. Malecki* Controller

Penalty for presenting fraudulent claim is a fine of up to \$500 000 or imprisonment for up to 5 years, or both, 11 U.S.C. §§ 152 AND 3571.  
**Andrew T. Malecki, Controller**  
See Other Side For Instructions

REPRINT OF BILLED DETAILS (as billed)

Bill number 1126 -00121-003 FSK  
Bill date 12/20/02

Allegiance Telecom, Inc  
9201 Central Expressway  
Dallas, Texas 75231

Tweel Home Furnishings, Inc v Allegiance Telecom, Inc et als  
Claim No 618-003073  
Policy No 278-92-57

FOR PROFESSIONAL SERVICES RENDERED

06/03/02	FSK	(166) Other Correspondence - E-mail from and to K Comstock ( 10),	10 hrs 180 /hr	18 00
06/04/02	FSK	(166) Other Correspondence - e-mail to and from K Comstock ( 10),	10 hrs 180 /hr	18 00
06/06/02	FSK	(163) Agreed-To Litigation Plan Letter - Drafting agreed-to plan and budget ( 50),	50 hrs 180 /hr	90 00
06/07/02	FSK	(150) Telephone Time with K Comstock re ATLP and Missry deposition ( 30), (163) Agreed-To Litigation Plan Letter - Revising ATLP ( 10), (129) Preparing Narrative Report of Testimony - Drafting report of Missry deposition ( 40),	80 hrs 180 /hr	144 00
06/10/02	FSK	(163) Agreed-To Litigation Plan Letter - Finalize and send agreed-to-plan and budget ( 20), (129) Preparing Narrative Report of Testimony - Revising deposition report ( 10),	30 hrs 180 /hr	54 00
06/11/02	FSK	(166) Other Correspondence - Letter sent to K Comstock ( 10),	10 hrs 180 /hr	18 00
06/20/02	FSK	(167) Receive and Review Mail from K Comstock ( 10),	10 hrs 180 /hr	18 00
06/28/02	FSK	(170) New Research regarding preemption of state law claims ( 30),	30 hrs 180 /hr	54 00
07/02/02	FSK	(167) Receive and Review Mail from C Powers ( 10), (121) Motion to Dismiss - Drafting letter to Judge Rosa joining in motion ( 20),	30 hrs 180 /hr	54 00
07/08/02	FSK	(167) Receive and Review Mail from F Pisani re discovery end date ( 10),	10 hrs 180 /hr	18 00

07/10/02	FSK	(135) Review opposing Discovery Demand - Review Second Notice to Produce ( 10),	10 hrs	180 /hr	18 00
07/17/02	FSK	(167) Receive and Review Mail - Review notice from court re discovery extension ( 10),	10 hrs	180 /hr	18 00
07/18/02	FSK	(167) Receive and Review Mail from C Powers re depositions ( 10),	10 hrs	180 /hr	18 00
07/23/02	FSK	(167) Receive and Review Mail from F Pisani re deps ( 10), (166) Other Correspondence - Review audit letter and Drafting response ( 40),	50 hrs	180 /hr	90 00
07/24/02	FSK	(166) Other Correspondence - Revising and send audit letter response ( 20),	20 hrs	180 /hr	36 00
07/29/02	FSK	(167) Receive and Review Mail from F Pisani, C Powers ( 2), (132) Scheduling Deposition - Letters to C Powers, F Pisani regarding deposition schedule ( 2),	40 hrs	180 /hr	72 00
07/30/02	FSK	(150) Telephone Time with R Cabral,	20 hrs	180 /hr	36 00
08/01/02	FSK	(150) Telephone Time with F Pisani re discovery issues and schedule,	20 hrs	180 /hr	36 00
08/06/02	FSK	(122) Discovery Motion - Review motion for out-of-state deposition ( 10),	10 hrs	180 /hr	18 00
08/12/02	FSK	(138) Review Responses to Discovery Demand - Review plaintiff's supplemental answers to rogs and response to document request, including documents re amended damage claim ( 80),	80 hrs	180 /hr	144 00
09/03/02	FSK	(150) Telephone Time - Telephone call with C Powers ( 1),	10 hrs	180 /hr	18 00
09/04/02	FSK	(150) Telephone Time - Telephone call with F Pisani ( 2)	20 hrs	180 /hr	36 00
09/05/02	FSK	(122) Discovery Motion - Review order re motion for out-of-state deposition ( 1),	10 hrs	180 /hr	18 00
09/12/02	FSK	(125) Other Motions - Review motion to extend discovery and supporting certification ( 2),	20 hrs	180 /hr	36 00
09/17/02	FSK	(132) Scheduling Deposition - Review deposition notice ( 1),	10 hrs	180 /hr	18 00
09/18/02	FSK	(122) Discovery Motion - Review application to N			

	Y court for Mendoza deposition ( 2),			
		20 hrs 180 /hr	36 00	
09/25/02 FSK	(132) Scheduling Deposition -e-mails with C Powers re deposition dates ( 2), (150) Telephone Time with court to confirm extension ( 1),			
		30 hrs 180 /hr	54 00	
09/30/02 FSK	(138) Review Responses to Discovery Demand - Review discovery re Z Angustowicz ( 5),			
		50 hrs 180 /hr	90 00	
10/01/02 FSK	(150) Telephone Time with C Powers re Augustowicz deposition ( 2),			
		20 hrs 180 /hr	36 00	
10/02/02 FSK	(150) Telephone Time with C Powers re Augustowicz deposition ( 2),			
		20 hrs 180 /hr	36 00	
10/03/02 FSK	(167) Receive and Review Mail - Review order extending discovery ( 1),			
		10 hrs 180 /hr	18 00	
10/04/02 FSK	(167) Receive and Review Mail from F Pisani ( 1),			
		10 hrs 180 /hr	18 00	
10/07/02 FSK	(167) Receive and Review Mail from C Powers ( 1), (126) Attorney Preparation for Deposition - Review transcript of Missry deposition ( 4),			
		50 hrs 180 /hr	90 00	
10/08/02 FSK	(166) Other Correspondence - Letter sent to C Powers ( 1),			
		10 hrs 180 /hr	18 00	
10/16/02 FSK	(167) Receive and Review Mail - Review notices from court re discovery ( 1), (132) Scheduling Deposition - Telephone conference with F Pisani ( 1),			
		20 hrs 180 /hr	36 00	
10/17/02 FSK	(132) Scheduling Deposition - Drafting letter to F Pisani,			
		20 hrs 180 /hr	36 00	
10/21/02 FSK	(166) Other Correspondence - Letter sent to F Pisani ( 1),			
		10 hrs 180 /hr	18 00	
11/01/02 FSK	(150) Telephone Time with F Pisani re depositions ( 1),			
		10 hrs 180 /hr	18 00	
11/05/02 FSK	(167) Receive and Review Mail from F Pisani ( 1),			
		10 hrs 180 /hr	18 00	
11/12/02 FSK	(167) Receive and Review Mail from C Powers ( 1), (150) Telephone Time with F Pisani, R Cabral ( 2),			
		30 hrs 180 /hr	54 00	
11/14/02 FSK	(128) Attending Deposition of - Read transcript			

	of Augustowicz deposition in lieu of attending ( 6),			
11/15/02 FSK	(150) Telephone Time with F Pisani ( 1), (166) Other Correspondence - e-mail to C Powers ( 1),	60 hrs	180 /hr	108 00
11/19/02 FSK	(163) Agreed-To Litigation Plan Letter - Drafting agreed to plan ( 6),	20 hrs	180 /hr	36 00
11/20/02 FSK	(126) Attorney Preparation for Deposition of D Tweel and R Cabral (2 0),	60 hrs	180 /hr	108 00
11/21/02 FSK	(150) Telephone Time with R Cabral re deposition and preparation ( 2),	2 00 hrs	180 /hr	360 00
11/22/02 FSK	(163) Agreed-To Litigation Plan Letter - Drafting and revising agreed to plan and budget (1 1),	20 hrs	180 /hr	36 00
11/25/02 FSK	(126) Attorney Preparation for Deposition - Preparation for meeting with defendant Cabral and for Cabral and Tweel depositions ( 8),	1 10 hrs	180 /hr	198 00
11/26/02 FSK	(127) Witness Preparation for Deposition - Meeting with R Cabral to prepare for deposition (1 5), (150) Telephone Time with F Pisani, C Powers ( 2), (166) Other Correspondence - E-mail to K Comstock ( 1),	80 hrs	180 /hr	144 00
11/27/02 FSK	(150) Telephone Time with F Pisani, R Cabral ( 2), (126) Attorney Preparation for Deposition of D Tweel and R Cabral (1 2)	1 80 hrs	180 /hr	324 00
		1 40 hrs	180 /hr	252 00
	TOTAL FEES			\$ 3,240 00

DISBURSEMENTS

11/30/02 03	Duplicating			5 70
11/30/02 037	Tolls - Parking Expense			1 75
11/30/02 04	Long Distance Telephone			34
11/30/02 41	Travel			16 79
11/30/02 46	Outside Duplicating			43 80
	TOTAL DISBURSEMENTS			\$ 68 38

BILLING SUMMARY

TOTAL FEES	\$ 3,240 00
TOTAL DISBURSEMENTS	\$ 68 38

REPRINT OF BILLED DETAILS (as billed)  
1126 -00121-003 FSK

Page 5

TOTAL CHARGES FOR THIS BILL

-----  
\$ 3,308 38

REPRINT OF BILLED DETAILS (as billed)

Bill number 1126 -00121-004 FSK  
Bill date 05/13/03

Allegiance Telecom, Inc  
9201 Central Expressway  
Dallas, Texas 75231

Tweel Home Furnishings, Inc v Allegiance Telecom, Inc et als  
Claim No 618-003073  
Policy No 278-92-57

FOR PROFESSIONAL SERVICES RENDERED

12/02/02 FSK	(105) Travel Time to Tenafly for deposition ( 8), (128) Attending Deposition of D Tweel (1 1), (173) Other Conferences - Conference with C Powers ( 2), (128) Attending Deposition of R Cabral (1 5), (105) Travel Time from Tenafly ( 7),	4 30 hrs 180 /hr	774 00
12/03/02 FSK	(122) Discovery Motion - Review motion for discovery extension and supporting papers ( 2), (166) Other Correspondence - e-mail from and to K Comstock ( 2), (163) Agreed-To Litigation Plan Letter - Revising agreed to plan ( 4), (129) Preparing Narrative Report of Testimony - Drafting deposition report re Cabral ( 5),	1 30 hrs 180 /hr	234 00
12/04/02 FSK	(129) Preparing Narrative Report of Testimony - Drafting deposition report re Tweel ( 5), (141) Review Documents - re Simchera ( 4),	90 hrs 180 /hr	162 00
12/09/02 FSK	(150) Telephone Time - Preparation for and participate in telephone conference with K Comstock re agreed-to-plan and budget ( 4), (163) Agreed-To Litigation Plan Letter - Revising agreed-to-plan and budget ( 2),	60 hrs 180 /hr	108 00
12/11/02 FSK	(163) Agreed-To Litigation Plan Letter - Finalize and send agreed-to-plan and budget ( 2), (129) Preparing Narrative Report of Testimony - Revising and send deposition reports ( 3), (150) Telephone Time with F Pisani re Mendoza deposition and Simchera dismissal ( 2), (117) Stipulations - Drafting stipulation of dismissal ( 2), (166) Other Correspondence - Letter sent to F Pisani and e-mail to C Powers ( 2), (150) Telephone Time with P Simchera ( 1),	1 00 hrs 180 /hr	180 00

## REPRINT OF BILLED DETAILS (as billed)

1126 -00121-004 FSK

Page 2

12/24/02	FSK	(150) Telephone Time with F Pisani re extension of discovery ( 1),	10 hrs 180 /hr	18 00
12/27/02	FSK	(167) Receive and Review Mail - Review transcripts of Tweel and Cabral depositions ( 4),	40 hrs 180 /hr	72 00
01/03/03	FSK	(167) Receive and Review Mail - Review order extending discovery ( 1),	10 hrs 180 /hr	18 00
01/14/03	FSK	(150) Telephone Time with C Powers ( 1),	10 hrs 180 /hr	18 00
01/15/03	FSK	(150) Telephone Time with F Pisani ( 1),	10 hrs 180 /hr	18 00
01/21/03	FSK	(150) Telephone Time with F Pisani re Mendoza deposition ( 1),	10 hrs 180 /hr	18 00
01/27/03	FSK	(132) Scheduling Deposition - Review order for out-of-state deposition ( 1), (132) Scheduling Deposition - Review Mendoza deposition subpoena ( 1),	20 hrs 180 /hr	36 00
01/30/03	FSK	(125) Other Motions - Review plaintiff's motion for consolidation, letter-brief, certification and exhibits ( 5), (150) Telephone Time with C Powers ( 1), (125) Other Motions - Review cases cited in plaintiff's brief ( 3),	90 hrs 180 /hr	162 00
02/03/03	FSK	(150) Telephone Time with F Pisani re Mendoza deposition ( 10), (167) Receive and Review Mail from F Pisani re Simchera dismissal ( 10),	20 hrs 180 /hr	36 00
02/04/03	FSK	(170) New Research regarding consolidation ( 60),	60 hrs 180 /hr	108 00
02/06/03	FSK	(179) Stipulation of Dismissal with Prejudice - Review fully executed stipulation of dismissal as to Simchera ( 10), (179) Stipulation of Dismissal with Prejudice - Filing stipulation with court ( 10),	20 hrs 180 /hr	36 00
02/11/03	FSK	(125) Other Motions - Drafting letter-brief in opposition to consolidation (1 7), (150) Telephone Time with F Pisani re my request for dismissal ( 20),	1 90 hrs 180 /hr	342 00
02/12/03	FSK	(150) Telephone Time with F Pisani re dismissal ( 10), (179) Stipulation of Dismissal with Prejudice - Drafting stipulation of dismissal ( 20), (166) Other Correspondence - Letter sent to F Pisani confirming dismissal ( 10), (166) Other Correspondence -e-mail to C		



	Powers, K Comstock, K Demro ( 10),		
		50 hrs 180 /hr	90 00
02/13/03 FSK	(179) Stipulation of Dismissal with Prejudice - Review filed stipulation of dismissal as to Simchera ( 10), (166) Other Correspondence - serve copies upon counsel ( 10), (166) Other Correspondence - Letter sent to P Simchera ( 10),		
		30 hrs 180 /hr	54 00
02/14/03 FSK	(150) Telephone Time with C Powers ( 10), (167) Receive and Review Mail from C Powers ( 10),		
		20 hrs 180 /hr	36 00
02/24/03 FSK	(167) Receive and Review Mail from F Pisani with signed stipulation ( 10), (166) Other Correspondence - Letter sent to C Powers ( 10),		
		20 hrs 180 /hr	36 00
03/03/03 FSK	(179) Stipulation of Dismissal with Prejudice - Review letter from C Powers and fully executed stipulation of dismissal re Cabral ( 10), (166) Other Correspondence - Letter sent to Court re filing of stipulation ( 10),		
		20 hrs 180 /hr	36 00
03/06/03 FSK	(150) Telephone Time with C Powers re Mendoza deposition ( 20),		
		20 hrs 180 /hr	36 00
03/07/03 FSK	Review filed stipulation of dismissal as to Cabral ( 10), (166) Other Correspondence - Letters sent to F Pisani, R Cabral ( 20),		
		30 hrs 180 /hr	54 00
	TOTAL FEES	\$	2,682 00

DISBURSEMENTS

04/30/03 03	Duplicating		31 00
04/30/03 037	Tolls - Parking Expense		1 70
04/30/03 41	Travel		14 97
	TOTAL DISBURSEMENTS	\$	47 67

BILLING SUMMARY

TOTAL FEES	\$	2,682 00
TOTAL DISBURSEMENTS	\$	47 67
TOTAL CHARGES FOR THIS BILL	\$	2,729 67

# TOMPKINS, McGUIRE, WACHENFELD & BARRY

A New Jersey Limited Liability Partnership

COUNSELORS AT LAW

FOUR GATEWAY CENTER  
100 MULBERRY STREET  
NEWARK, NEW JERSEY 07102-4070

NEWARK (973) 622 3000  
NEW YORK (212) 714 1720  
TELECOPIER (973) 623 7780

E MAIL ATTORNEYS@TOMPKINSMCGUIRE.COM

WILLIAM F TOMPKINS (1913 1989)  
WILLIAM B McGUIRE, P A  
HOWARD G WACHENFELD  
THEODORE L. ABELES  
JOHN J BARRY (1940-2000)  
WILLIAM J PROUT JR (1947 1996)  
JAMES F FLANAGAN III  
MARIANNE ESPINOSA MURPHY  
EUGENE J SULLIVAN  
FREDERIC S KESSLER  
MARIANNE M DEMARCO  
MICHAEL S MILLER  
WILLIAM H TROUSDAL  
JOSEPH K COBUZIO  
RICHARD F CONNORS, JR.  
RICHARD A ULSAMER

WILLIAM C. SANDELANDS  
ANGELO R GIACCHI  
COLLEEN DUFFY SHIARELLA  
THOMAS F DOHERTY  
BRIAN M ENGLISH  
STEPHEN C MATTHEWS  
GRANT W McGUIRE  
ROBERT LEONARDO  
MATTHEW P O MALLEY

OF COUNSEL  
FRANCES S MARGOLIS  
ELMER M. MATTHEWS  
PAUL B THOMPSON  
RAYMOND W TROY (1911 1992)  
WILLIAM T WACHENFELD

COUNSEL  
LEONORE C LEWIS

STEPHEN W DILL  
WILLIAM R. FINIZIO  
KIMBERLY D MATYSKIEL  
MICHAEL P MCTIGUE  
NICOLE T MINUTOLI  
EILEEN O'TOOLE  
MARC C PAKRUL  
LAURA A. STUTZ

CERTIFIED BY THE SUPREME COURT  
OF NEW JERSEY AS A CIVIL TRIAL  
ATTORNEY  
\*\* CERTIFIED BY THE SUPREME COURT  
OF NEW JERSEY AS A CRIMINAL TRIAL  
ATTORNEY

October 10, 2003

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

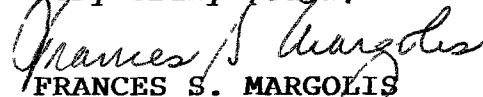
Re: Allegiance Telecom of Texas, Inc.,  
Case No. 03-13095

Gentlemen:

I enclose herewith original and copy PROOF OF CLAIM of  
TOMPKINS MC GUIRE, WACHENFELD & BARRY LLP in the above  
entitled case.

I will thank you to file the original and return to me  
the copy thereof stamped "Filed". A return envelope is  
enclosed for your convenience.

Very truly yours,



FRANCES S. MARGOLIS

FOR TOMPKINS, MC GUIRE, WACHENFELD & BARRY LLP

M:S  
Encls.