


UNITED STATES BANKRUPTCY COURT <u>SOUTHERN</u> DISTRICT OF <u>NEW YORK</u>		<b>PROOF OF CLAIM</b>
Name of Debtor <u>Allegiance Telecom INC</u>		Case Number <u>03-13057 (RRD)</u>
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 USC § 503		
Name of Creditor (The person or other entity to whom the debtor owes money or property) <u>JAMES POTTER</u>		FILED U.S.B.C. SOUTHERN DISTRICT OF NEW YORK ALLEGIANCE TELECOM, INC <u>03-13057 (RRD)</u> 1417 ----- THIS SPACE IS FOR COURT USE ONLY
Name and address where notices should be sent <u>2959 N 68th PL #117</u> <u>SCOTTSDALE AZ 85251</u>		
Telephone number <u>480-283 3243</u>		
Account or other number by which creditor identifies debtor		Check here <input type="checkbox"/> replaces a previously filed claim, dated _____ <input type="checkbox"/> amends
<b>1 Basis for Claim</b> <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input checked="" type="checkbox"/> Other <u>ESPP AND ALIX EQUITY</u> <input type="checkbox"/> Retiree benefits as defined in 11 USC § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Your SS # <u>545 53 4409</u> Unpaid compensation for services performed from _____ to _____ (date) (date)		
<b>2 Date debt was incurred</b> <u>4Q 2002 &amp; 1Q 2003</u>		<b>3 If court judgment, date obtained</b>
<b>4 Total Amount of Claim at Time Case Filed</b> \$ <u>23,326 86</u>		
If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below <input checked="" type="checkbox"/> 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.		
<b>5 Secured Claim</b> <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff) Brief Description of Collateral <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral \$ _____ Amount of arrearage and other charges at time case filed included in secured claim, if any \$ _____		<b>6 Unsecured Priority Claim</b> <input checked="" type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ <u>15,576 18</u> Specify the priority of the claim <input type="checkbox"/> 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 USC § 507(a)(3) <input checked="" type="checkbox"/> Contributions to an employee benefit plan 11 USC § 507(a)(4) <input type="checkbox"/> Up to \$2,100* of deposits toward purchase lease or rental of property or services for personal family or household use 11 USC § 507(a)(6) <input type="checkbox"/> Alimony maintenance or support owed to a spouse former spouse or child 11 USC § 507(a)(7) <input type="checkbox"/> Taxes or penalties owed to governmental units 11 USC § 507(a)(8) <input type="checkbox"/> Other Specify applicable paragraph of 11 USC § 507(a)(____) *Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment
<b>7 Credits</b> The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim <b>8 Supporting Documents</b> 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 <b>9 Date-Stamped Copy</b> To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim		THIS SPACE IS FOR COURT USE ONLY
Date <u>11-6-03</u>	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) <u>James Potter</u>	
Allegiance Claim  01463		
Penalty for presenting fraudulent claim Fine of up to \$500 000 or imprisonment for up to 5 years, or both 18 USC §§ 152 and 3571		

REC'D NOV 10 2003

ENTER

Proof of Claim for James Potter  
Summary and Supporting Documents  
Case No 03-13057 (RDD)

11/6/2003

This is a summary of my Proof of Claim as well as an itemization of supporting documentation

Let me start by stating a few facts about my employment at Allegiance Telecom, Inc

- I am a current employee of the company
- I have held four different positions here
- I have worked in four different markets, in three different states

A company like Allegiance Telecom, Inc needs loyal employees to rely on in order to succeed From day one I have sacrificed for Allegiance In addition to spending thousands of dollars moving from market to market, from one job to another, I even spent six months apart from my fiancé opening the Portland market But this claim isn't about being reimbursed for money spent moving or lost time with my fiance that can never be recovered

I believed in our leadership (Royce Holland, Tony Parella, etc ) and kept my hopes high that we would not file for bankruptcy and that, as they had promised, one day we would realize a return on our sacrifices and investments to put us in a financial position that we would otherwise not have if working for another company

I invested hard earned dollars in Allegiance stock and contributed the maximum contribution possible into the Allegiance Telecom Employee Stock Purchase Plan (ESPP) with the intent of using that money to start my family- to be in a position where I could have kids with my wife and she could stay home and raise them in the early years Currently in my 5<sup>th</sup> year with Allegiance, not only do I not have any children but also I have lost a total of \$23,326 86 investing in Allegiance Telecom

I am asserting a claim against the debtors for the money I have lost--believing in and investing in-- Allegiance Telecom, Inc

Supporting Documentation

- 1 ESPP account history showing total loss of \$15,576 18
- 2 Wells Trade account history showing total loss of \$7750 68

Hopefully, the court will rule in favor of my claim

Sincerely,



James Potter



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# Stock Purchase

## View Your Purchase Account

- Current Balance
- Transaction History
- Order Summary
- Gain/Loss
- Account Information
- Your Portfolio

**Plan**

91M Stock Purchase Plan

**Transaction Type\***

All Transactions

**Sort By\***

Transaction Date

Transaction Date (mm/dd/yyyy)	Transaction Type	Price	Quantity	Amount	Share Balance	
05/14/2003	Check	\$0 0000	0 0000	\$1,592 8200		
05/09/2003	Sell	\$0 3200	5,509 9930	\$1 592 8200		<input type="button" value="Details"/>
12/31/2002	Share Deposit	\$0 5695	169 5990	\$0 0000	5,509 9930	<input type="button" value="Details"/>
09/30/2002	Share Deposit	\$0 7055	2,322 9480	\$0 0000	5 340 3940	<input type="button" value="Details"/>
06/28/2002	Share Deposit	\$1 5555	1,229 1739	\$0 0000	3,017 4460	<input type="button" value="Details"/>
03/28/2002	Share Deposit	\$2 5500	642 6824	\$0 0000	1,788 2721	<input type="button" value="Details"/>
12/31/2001	Share Deposit	\$2 8390	778 2881	\$0 0000	1,145 5897	<input type="button" value="Details"/>
09/28/2001	Share Deposit	\$2 5585	367 3016	\$0 0000	<u>367 3016</u>	<input type="button" value="Details"/>

17 168 9964

**Disqualifying Disposition Survey and Reporting**

If you wish to report the sale of your Employee Stock Purchase shares, or if you have transferred these shares into another person's name, click here to link to the website of AST StockPlan Inc which is an affiliate of Citigroup Global Markets Inc

NET COST  
15,576 176

\* Details If transaction delivers additional shares into your account this link will display all Purchase information for your account (and not just actions specifically related to this one transaction )

**Transaction History**

This report shows the transactions that have occurred at Smith Barney in your stock purchase account Click on the "Details" button, where applicable to obtain specific information about a particular transaction

Transaction History only includes trades that have executed through Smith Barney's automated tools or through a Customer Service Representative

**All Transactions View**

The transaction history is a chronological listing of the last transactions that have occurred in your stock purchase account at Smith Barney This listing reflects trades that were executed at this web site through VRS Smith Barney's Voice-Response System by a Customer Service Representative or Financial Consultant In addition, it reflects all share deposits withdrawals stock splits tenders purchases, proceeds issued and dividends

**Transaction Date**

The date on which the transaction took place Trades generally settle (are paid for) 3 business days after a trade date

Wells Trade Account

<u>Reference</u>	<u>Date</u>	<u>Action</u>	<u>Stock</u>	<u>Quantity</u>	<u>Price</u>	<u>Commision</u>	<u>Total Cost</u>	<u>Total Revenue</u>	<u>Gain/Loss</u>
# 0466731	6/21/2002	Buy	ALGX	1000	1 7200	\$ 24 95	\$ 1,744 95		
# 0502307	7/26/2002	Buy	ALGX	1250	1 2100	\$ 32 45	\$ 1,544 95		
# 0522384	8/13/2002	Buy	ALGX	1330	0 7400	\$ 24 95	\$ 1,009 15		
# 0687094	1/16/2003	Buy	ALGX	3000	0 6300	\$ 47 25	\$ 1,937 25		
#0709242	2/11/2003	Buy	ALGX	4200	0 3400	\$ 35 70	\$ 1,463 70		
#0718240	2/24/2003	Sell	ALGX	3200	0 4020	\$ 42 00		\$ 1,286 40	
#0718240	2/24/2003	Sell	ALGX	1000	0 4000	\$0 00		\$ 400 00	\$ 222 70
#0724104	3/4/2003	Buy	ALGX	5300	0 3200	\$ 41 08	\$ 1,737 08		
#1110897	5/9/2003	Sell	ALGX	11880	0 3400	\$ 100 98			
Total Bought				11880			\$ 9,437 08		
Total Sold							\$ 1,686 40		
total loss							\$ 7,750 68		