

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re Chapter 11
ALLEGIANCE TELECOM, INC , et al., Case No 03-13057(RDD)
Debtors Jointly Administered
-----X

**ORDER GRANTING DEBTORS' FOURTH OMNIBUS
OBJECTION TO EMPLOYMENT LITIGATION CLAIMS
(CLAIM NOS 532, 1652, 2099, 1484, 1728, 1737, 2011, 2260)**

Upon the Fourth Omnibus Objection to Employment Litigation Claims filed July 28, 2004 (the "Objection") of the Allegiance Telecom Liquidating Trust (the "ATLT") for an order pursuant to Section 502(b) of the Bankruptcy Code disallowing or amending the certain proofs of claim as set forth therein, and the Court having jurisdiction to consider and determine the Objection as a core proceeding in accordance with 28 U S C §§ 157 and 1334, and it appearing that the relief requested by the Objection is necessary and in the best interests of the ATLT, these estates, and their creditors, and due and sufficient notice of the Objection having been provided, including notice to the United States Trustee and holders of the claims listed in the exhibits to the Objection, and it appearing that no other or further notice is necessary, and the Court having held a hearing on August 26, 2004 (the "Hearing") on the Objection, and the ATLT having requested adjournment of the Objection as to all objections to claims to which responses were filed, and sufficient cause appearing therefor, it is

ORDERED, that the Objection be, and hereby is, granted with respect to the claims listed on Exhibit A, and it is further

Docket #1712 eod 8-27-04

ORDERED, that the claims listed on on Exhibit A annexed hereto shall be, and hereby are, expunged in their entirety as of the date hereof, and it is further


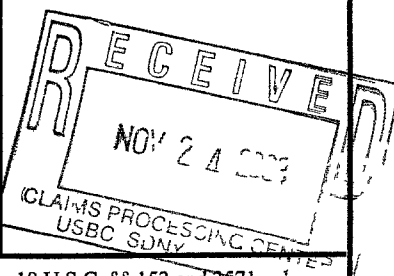
ORDERED, that all remaining objections to claims in the Objection are adjourned as set forth on the record of the Hearing

DATED August 26, 2004
New York, New York

/s/ ROBERT D DRAIN
HONORABLE ROBERT D DRAIN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A

Bankruptcy Claim	Amount of Claim	Litigant (or Last Name if individual)	Litigant First Name (if individual)	Contact Name	Debtor Name	Ordered
Filed 1652	\$1,600,000	Barricello	Michelle	Laurie A Frankl	Shared Technologies Allegiance, Inc	Expunged
Filed 1737	\$ 500,000	Janek	Michelle	Robert N Wadington	111 W Washington St, Ste 1460	Expunged
Filed 1728	\$ 500,000	Glad	Lauren	Robert N Wadington	111 W Washington St, Ste 1460	Expunged

UNITED STATES BANKRUPTCY COURT <u>Southern</u> DISTRICT OF <u>New York</u>		PROOF OF CLAIM
Name of Debtor Shared Technologies Allegiance, Inc.		Case Number 03-13108
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) Michelle Barricello		FILED U.S. BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK ALLEGANCE TELECOM, INC 03-13057 (RRD) 1828 THIS SPACE IS FOR COURT USE ONLY
Name and address where notices should be sent Laurie A Frankl, Esq Rodgers, Powers and Schwartz 18 Tremont Street, Suite 500, Boston, MA Telephone number 617-742-7010 02108		
Account or other number by which creditor identifies debtor		
		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to this case. Attach copy of statement giving particulars <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court
		Check here if this claim <input type="checkbox"/> replaces a previously filed claim, dated 06/03/03 <input checked="" type="checkbox"/> amends
1 Basis for Claim <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>Employment Discrimination</u> <input type="checkbox"/> Retiree benefits as defined in 11 USC § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (see below) Your SS # _____ Unpaid compensation for services performed from _____ to BMC (date)		
2 Date debt was incurred <u>March 2003</u>		3 If court judgment, date obtained
4 Total Amount of Claim at Time Case Filed \$ <u>1,600,000 00</u> If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below <input 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		
5 Secured Claim <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 \$ _____		6 Unsecured Priority Claim <input type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ 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 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
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 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 Allegiance Claim  01652 
Date 11-20-03	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) <i>Michelle Barricello</i>	

CIVIL ACTION COVER SHEET

DOCKET NO (S)

Trial Court of Massachusetts Superior Court Department County:



PLAINTIFF(S)

Michelle Barricello

DEFENDANT(S)

Allegiance CPE, Inc., Shared Technologies Allegiance, Inc, and Daniel Giarrelis

ATTORNEY FIRM NAME ADDRESS AND TELEPHONE

Harvey A. Schwartz (#448080)/Laurie Frankl (#647181)

ATTORNEY (if known)

Rodgers, Powers and Schwartz. 18 Tremont St.

Board of Bar Overseers number Boston, MA 02108 617-742-7010

Origin code and track designation

Place an x in one box only

- 1 F01 Original Complaint
2 F02 Removal to Sup Ct C 231,s 104 (Before trial) (F)
3 F03 Retransfer to Sup Ct C 231,s 102C (X)

- 4 F04 District Court Appeal c.231, s 97 &104 (After trial) (X)
5 F05 Reactivated after rescript, relief from judgment/Order (Mass R Civ P 60) (X)
6 E10 Summary Process Appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)

CODE NO TYPE OF ACTION (specify) TRACK IS THIS A JURY CASE?
B22 Employment Discrimination F (X) Yes () No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages For this form, disregard double or treble damage claims, indicate single damages only

TORT CLAIMS

(Attach additional sheets as necessary)

Table with 2 columns: Description of tort claim (A-G) and Amount. Includes items like 'Documented medical expenses to date' and 'Documented lost wages and compensation to date'. Total amount is \$1,500,000.

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s)

TOTAL \$.

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1 18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods"

Signature of Attorney of Record

Handwritten signature of Laurie Frankl

DATE

May 14 2003

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT DEPARTMENT
C.A. NO.

MICHELLE BARRICELLO,)
)
Plaintiff,)
)
v.)
)
ALLEGIANCE CPE, INC., SHARED)
TECHNOLOGIES ALLEGIENCE, INC.)
AND DANIEL GIATRELIS,)
)
Defendants.)

COMPLAINT

I. Introduction

This is a complaint for gender discrimination, sexual harassment and age discrimination in violation of M G L c 151B, as well as for tortious interference with contractual business relations Michelle Barricello was the victim of a sexually charged work environment, her supervisor’s campaign to undermine her hard work and good will with clients, and his active attempts to force her off of her most valued accounts so that he could replace her with younger male sales managers As a result of her supervisor’s harassment and the company’s lack of response and acquiescence thereto, Ms Barricello was forced to resign from a lucrative job

II. Parties

1 The plaintiff, Michelle Barricello, is a woman who was employed by the
the defendant companies as an National Accounts Manager from June 1999 to February
2003 At all relevant times, Ms Barricello was over the age of 40 She is a resident of
Eastham, Massachusetts

2 The defendant, Shared Technologies Allegiance Inc , is a Delaware
corporation with a usual place of business in Norwood, Norfolk County, Massachusetts

3 The defendant employer had more than six employees at all relevant times

4 Daniel Giatrelis was at all relevant times an employee of the defendant
employer and, from in or around January 2001 to the time she resigned, was the plaintiff's
immediate supervisor Mr Giatrelis is a resident of Norton, Bristol County,
Massachusetts

II. Jurisdiction

5 The plaintiff filed a timely complaint at the Massachusetts Commission
Against Discrimination on December 12, 2002 More than ninety days have passed since
the filing of that complaint

III. Facts

6 Ms Barricello was hired by Shared Technologies Fairchild, Inc in June
1999 as a National Accounts Sales Manager

7 Allegiance Telecom, Inc purchased selected assets of Shared Technologies
from WorldCom, Inc in July 2002

8 Shared Technologies Allegiance, Inc is a Delaware corporation and is a wholly owned subsidiary of Allegiance Telecom Company Worldwide - which is a wholly owned subsidiary of Allegiance Telecom, Inc

9 Allegiance CPE, Inc was merged into Shared Technologies Allegiance, Inc

10 Shared Technologies, Inc and its successor companies are in the business of selling commercial telecommunications systems as well as service contracts on those systems

11 At all relevant times, Ms Barricello's remuneration was structured to include a base salary, commission, and bonuses based on her sales of phone systems and accompanying service contracts

12 Ms Barricello excelled at her job and was repeatedly one of the top performing accounts managers in the company, outperforming many male accounts managers

13 Ms Barricello brought in some of the company's largest and most lucrative accounts She also excelled at maintaining these important customer relationships

14 Throughout her employment, Ms Barricello received numerous awards and commendations for her sales achievement

15 Beginning in 2001, Mr Giatrellis became Ms Barricello's immediate supervisor

16 Mr Giatrellis began harassing Ms Barricello almost immediately; in effect

Mr Giatrellis initiated a campaign to strip Ms Barricello of her successful client relationships and the resulting economic benefits that flowed therefrom. He regularly used sexually demeaning terms and references to Ms Barricello as part of this harassment.

17 Mr Giatrellis made disparaging and sexually demeaning comments to Ms Barricello in the presence of clients. For instance, during one meeting with an important client, Mr Giatrellis asked the client if he “would like to trade Ms Barricello in for a younger sports model.” Mr Giatrellis also asked the client whether he thought Ms Barricello should wear shorter skirts.

18 On another occasion he asked the same client, in Ms Barricello’s presence, whether he [the client] had ever been in Ms Barricello’s hot tub.

19 Mr Giatrellis often suggested to Ms Barricello that she brought in business by sleeping with clients and other management within the company.

20 Mr Giatrellis once asked Ms Barricello, in reference to a client, to “give the old guy a break and take one for the team.” By that Mr Giatrellis suggested that she have sexual relations with the client in order to help the business relationship.

21 Mr Giatrellis had a pattern of harassing Ms Barricello, and other female sales agents, until they would withdraw from accounts. In addition, he threatened Ms Barricello over the telephone and through email communications seeking her removal from key accounts.

22 When Ms Barricello complained that Mr Giatrellis was referring to her in

sexually demeaning terms, he told a major customer of hers that she had complained that the customer had harassed her, a statement Mr Giatrelis knew was not true. That statement jeopardized Ms. Barricello's business relationship with her customers

23 Mr Giatrelis deliberately and regularly excluded Ms Barricello from appointments and decision making on Ms Barricello's client accounts, undermining Ms Barricello's carefully crafted good client relationships

24 Mr Giatrelis did not engage in similar conduct with male employees

25 Mr Giatrelis regularly replaced the women sales agents he had forced off of accounts with male agents

26 On at least one occasion, Mr Gialtrellis forced Ms Barricello off some accounts and replaced the plaintiff with a younger, less-experienced, male sales agent

27 As a result of being forced off of many of her most lucrative accounts by Mr Giatrelis, Ms Barricello lost substantial revenue and was unable to meet her quota

28 Ms Barricello complained about Mr Giatrelis' behavior to the company's Human Resource Department three times The company failed to conduct an adequate investigation of these complaints or to remedy the situation

29 Instead, the company promoted Mr Giatrelis to Vice President and General Manager for the New England, Florida, and Atlantic territories

30 Following Ms Barricello's complaints to Human Resources, Mr Giatrelis' slander campaign continued

31 Finally, as a result of the defendants' conduct, Ms Barricello lost many of

her most lucrative accounts, and lost the support and respect of customers, peers, and managers. Because the company failed to remedy this discrimination and, instead, supported Mr. Giatrelis' conduct, Ms. Baricello was forced to resign from her employment in March 2003. This conduct constituted a constructive discharge.

32 As a result of the defendants' conduct, Ms. Baricello has suffered substantial pecuniary loss, loss of good will in the business community, and emotional distress.

COUNT I

Gender Discrimination M.G.L. c. 151B, § 4(1)- All Defendants

The plaintiff repeats and realleges Paragraphs 1 - 30 above.

33 By the above conduct, the defendants discriminated against the plaintiff on account of her gender by maintaining and forcing Ms. Baricello to work in a sexually hostile work environment in violation of M.G.L. c. 151B, § 4(1).

COUNT II

Age Discrimination, M.G.L. c. 151B, § 4(1B) - All Defendants

The plaintiff repeats and realleges Paragraphs 1 - 33 above.

34 By the above conduct, the defendants discriminated against the plaintiff, on account of her age in violation of M.G.L. c. 151B, § 4(1B).

COUNT III

Aiding and Abetting, M.G.L. c. 151B, § 4 (4, 4A, 5) - Daniel Giatrelis

The plaintiff repeats and realleges Paragraphs 1-34 above.

35 By the above conduct defendant Giatrelis aided and abetted the defendant employer in discriminating against Ms. Barricello in the terms and conditions of her employment, by interfering with her right to be free from sexual harassment in violation of G L c 151B, § 4(4, 4A, 5).

COUNT III
Retaliation, M.G.L. c. 151B, § 4(4) - All Defendants

The plaintiff repeats and realleges Paragraphs 1- 35 above

36 By the above conduct the defendants retaliated against the plaintiff for engaging in protected conduct, in violation of M G L c 151B, § 4(4)

COUNT IV
**For Intentional Interference With Advantageous
Business Relations - Daniel Giatrelis**

The plaintiff repeats and realleges Paragraphs 1-36 above

37 By the above conduct the defendant Giatrelis intentionally, improperly and maliciously interfered with Ms Barricello's business accounts and customer relationships, and with her contract of employment

38 The plaintiff suffered pecuniary and emotional distress as a result of the defendant's conduct

Relief Requested

AS A RESULT of the above wrongful conduct by the defendants, Ms Barricello has been damaged and otherwise injured She has lost her livelihood, wages,


commissions, bonuses, and the benefits of her employment. Moreover, the plaintiff's reputation has been damaged and she has suffered humiliation, embarrassment, and emotional and physical distress

WHEREFORE, the plaintiff demands judgment against the defendant for her actual damages, plus punitive damages and attorneys fees, prejudgment interest, costs and such other relief as this Court deems just

Jury Demand

The plaintiff demands a jury trial on all counts so triable

Respectfully submitted,
Michelle Barricello, plaintiff,
By her attorneys,


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BBO # 448080
Laurie A. Frankl
BBO # 647181
Rodgers, Powers and Schwartz LLP
18 Tremont Street, Suite 500
Boston, MA 02108
617-742-7010

Dated May 15, 2003