

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re X
Allegiance Telecom, Inc , et al., Chapter 11 Case No
03-13057 (RDD)
Debtors Jointly Administered

X

REC'D JUL 11 2005

**ORDER GRANTING MOTION OF THE ALLEGIANCE TELECOM
LIQUIDATING TRUST FOR SUMMARY JUDGMENT
REGARDING THE CLAIMS OF ONE STOP REALTOUR PLACE, INC**

Upon consideration of the Motion of the Allegiance Telecom Liquidating Trust (the "ATLT") Under Sections 105(a) and 502(c) of the Bankruptcy Code Estimating Certain Claims for the Purpose of Establishing a Disputed Claims Reserve in Connection With Making Initial Distributions dated October 25, 2004, as such motion pertains to proof of claim number 1361 and proof of claim number 1362 (the "One Stop Claims") (docket entry no 1875), the Objections of One Stop Realtour Place, Inc ("One Stop") to Motion of Allegiance Telecom Liquidating Trust for Order Estimating Claims and Establishing Maximum Allowable Amount of Claims at Zero dated November 22, 2004 (docket entry no 1949) and May 9, 2005, the Motion of the Allegiance Telecom Liquidating Trust for Summary Judgment Regarding the Claims of One Stop Realtour Place, Inc dated May 13, 2005 (docket entry no 2184) (the "Motion"), and the Objection of One Stop Realtour Place, Inc to Motion of Allegiance Telecom Liquidating Trust for Summary Judgment Regarding Claims dated June 1, 2005 (docket entry no 2228, the "Objection"), and the Court having jurisdiction to consider the Motion and determine the relief requested therein as a core proceeding in accordance with 28 U S C §§ 157 and 1334 and Sections 8 4 and 11 1 of the plan of reorganization (the "Plan") of the above-captioned debtors (the "Debtors"), which was confirmed by this Court on June 10, 2004, and the

Docket #2234
eod 6/27/05



statutory predicates for the relief requested by the Motion being 11 U.S.C. § 502(c), Rules 7056 and 9014(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rule 56 of the Federal Rules of Civil Procedure and Rule 7056-1 of the Local Bankruptcy Rules for the Southern District of New York, and due and sufficient notice of the Motion having been provided, including notice to the United States Trustee and One Stop, and it appearing that no other or further notice is necessary, and the Court having held a hearing on June 8, 2005 on the Motion (the “Hearing”) during which both the ATLT and One Stop presented oral arguments, and the Court having overruled the Objection, and, for the reasons stated by the Court in its bench ruling on the record of the Hearing, sufficient cause appearing therefor, it is hereby

ORDERED that the Motion is hereby GRANTED, and it is further

ORDERED that, as detailed in the Motion and as stated by the Court at the Hearing, the Services Agreement (as defined in the Motion) and Pa P U C -Tariff No 1, § 2 1 5 12 (as further defined in the Motion) are valid, binding and enforceable limitations of liability that apply to the One Stop Claims against the Debtors, the ATLT, these estates, and their creditors and limit the One Stop Claims to an allowed ATI Unsecured Claim (as defined in the Plan) equal to the sum of (a) the amounts actually paid by One Stop to the Debtors from the period beginning with the commencement of services provided by the Debtors to One Stop under the Services Agreement (the “Telecommunications Services”) and ending with the suspension of such Telecommunications Services on September 20, 2000 and (b) the amount that the Debtors would have charged One Stop under the Services Agreement from the period beginning with the suspension of such Telecommunications Services on September 20, 2000, through the resumption of such Telecommunications Services on November 3, 2000 (the “Limited Damages Amount”), and it is further

ORDERED that the ATLT is entitled to set off against the Limited Damages Amount, any and all amounts due and unpaid from One Stop to the Debtors, the ATLT, and/or these estates after the resumption of the Telecommunications Services on November 3, 2000, which amounts may be fixed by stipulation filed with this Court or by further Order of this Court, and it is further

ORDERED that the ATLT is authorized to employ the Limited Damages Amount for the purpose of calculating the Disputed Claims Reserve, as defined in Section 8.6 of the Plan, and it is further

ORDERED, the ATLT may expunge proofs of claim numbered 1361 and 1362 from its claims register, and it is further

ORDERED that the settlement reached between the ATLT and One Stop (the "Settlement") granting to One Stop an allowed ATI Unsecured Claim of \$75,000.00 in full and complete satisfaction of the One Stop Claims is a valid, binding and enforceable obligation of One Stop, and it is further

ORDERED that the ATLT is hereby authorized, in its discretion, to seek the enforcement and approval of the Settlement, on Motion and Notice of Presentment, pursuant to, *inter alia*, Bankruptcy Rule 9019

Dated New York, New York
June 24, 2005

/s/Robert D. Drain
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

**In re: Allegiance Telecom, Inc., et al.
Case No. 03-13057-(RDD)-11**

DOCUMENTS APPENDED TO CLAIM

On May 17, 2006, document(s) were appended to Claim Numbers 1361, 1361 and 3019
for the following reason(s):

- Order Approving Settlement
- New Supporting Documents
- Change of Address
- Stipulation and Order
- Other: Docket Number 2366 EOD 5/15/06

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re

Chapter 11

ALLEGIANCE TELECOM, INC , et al ,

Case No 03-13057(RDD)

Debtors

Jointly Administered

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**ORDER APPROVING SETTLEMENT WITH
ONE STOP REALTOUR PLACE INC.**

Upon consideration of the Motion, dated May 1, 2006 of the Allegiance Telecom Liquidating Trust, Pursuant to Fed R Bankr P 9019, for Entry of an Order, Approving Settlement with One Stop Realtour Place, Inc (the "Motion"), it is hereby

ORDERED that the Motion is granted, and it is further

ORDERED that pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure, the Settlement¹ is approved and One Stop is hereby granted an Allowed ATI Unsecured Claim in the amount of \$75,000 00 (the "Settlement Claim"), and it is further

ORDERED that, consistent with the Order Granting Motion of the Allegiance Telecom Liquidating Trust for Summary Judgment Regarding the Claims of One Stop Realtour Place, Inc , dated June 24, 2006, the ATLT is authorized to expunge the One Stop Claims, other than the Settlement Claim, from its claims register

¹ All terms not defined herein shall have the meaning ascribed to them in the Motion

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation of this Order

Dated New York, New York
May 15, 2006

/s/Robert D Drain
UNITED STATES BANKRUPTCY JUDGE