

CIVIL COVER SHEET

04 CV 10063

JS 44C/SDNY
REV 1/97
WEB 12/02

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law except as provided by local rules of court. This form approved by the Judicial Conference of the United States in September 1974 is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS Debra K Craig (creditor/Appellant) DEFENDANTS RCN Corporation (Debtor - In-Possession)
Appellee

ATTORNEYS (FIRM NAME ADDRESS AND TELEPHONE NUMBER) ATTORNEYS (IF KNOWN)
Sarrat Gentile LLP, 111 John St Skadden Arps Stone Meagher + Flom LLP
NY, NY 10038, 212-433-1312 4 Times Square, NY NY 10036, 212-735-3000

CAUSE OF ACTION (CITE THE U S CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
28 U S C 158(a)

Has this or a similar case been previously filed in SDNY at any time? No Yes? Judge Previously Assigned

If yes was this case Vol Invol Dismissed No Yes If yes give date _____ & Case No _____

(PLACE AN [X] IN ONE BOX ONLY) NATURE OF SUIT 04-13638 #36

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATES	
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY	<input type="checkbox"/> 610 AGRICULTURE	<input checked="" type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 400 STATE			<input type="checkbox"/> 400 STATE	
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 620 FOOD & DRUG	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 410 ANTI TRUST			<input type="checkbox"/> 410 ANTI TRUST	
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 320 ASSAULT LIBEL & SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 625 DRUG RELATED SEIZURE OF PROPERTY	<input type="checkbox"/> 430 BANKS & BANKING	<input type="checkbox"/> 450 COMMERCE/ACC RATES/ETC			<input type="checkbox"/> 430 BANKS & BANKING	
<input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT	<input type="checkbox"/> 330 FEDERAL EMPLOYERS LIABILITY	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 630 LIQUOR LAWS	<input type="checkbox"/> 440 DEPORTATION	<input type="checkbox"/> 460 DEPORTATION			<input type="checkbox"/> 440 DEPORTATION	
<input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	<input type="checkbox"/> 340 MARINE	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 640 RR & TRUCK	<input type="checkbox"/> 450 RACKETEER INFLU ENCED & CORRUPT ORGANIZATION ACT (RICO)	<input type="checkbox"/> 470 RACKETEER INFLU ENCED & CORRUPT ORGANIZATION ACT (RICO)			<input type="checkbox"/> 450 RACKETEER INFLU ENCED & CORRUPT ORGANIZATION ACT (RICO)	
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 380 OTHER PERSONAL PROPERTY DAMAGE	<input type="checkbox"/> 650 AIRLINE REGS	<input type="checkbox"/> 810 SELECTIVE SERVICE	<input type="checkbox"/> 850 SECURITIES/ COMMODITIES/ EXCHANGE			<input type="checkbox"/> 810 SELECTIVE SERVICE	
<input type="checkbox"/> 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY	<input type="checkbox"/> 660 OCCUPATIONAL SAFETY/HEALTH	<input type="checkbox"/> 850 SECURITIES/ COMMODITIES/ EXCHANGE	<input type="checkbox"/> 875 CUSTOMER CHALLENGE			<input type="checkbox"/> 850 SECURITIES/ COMMODITIES/ EXCHANGE	
<input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS	<input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY		<input type="checkbox"/> 690 OTHER	<input type="checkbox"/> 875 CUSTOMER CHALLENGE	<input type="checkbox"/> 891 AGRICULTURE ACTS			<input type="checkbox"/> 875 CUSTOMER CHALLENGE	
<input type="checkbox"/> 160 STOCKHOLDERS SUITS	<input type="checkbox"/> 360 OTHER PERSONAL INJURY			<input type="checkbox"/> 891 AGRICULTURE ACTS	<input type="checkbox"/> 892 ECONOMIC STABILIZATION ACT			<input type="checkbox"/> 891 AGRICULTURE ACTS	
<input type="checkbox"/> 190 OTHER CONTRACT				<input type="checkbox"/> 892 ECONOMIC STABILIZATION ACT	<input type="checkbox"/> 893 ENVIRONMENTAL MATTERS			<input type="checkbox"/> 892 ECONOMIC STABILIZATION ACT	
<input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY				<input type="checkbox"/> 893 ENVIRONMENTAL MATTERS	<input type="checkbox"/> 894 ENERGY ALLOCATION ACT			<input type="checkbox"/> 893 ENVIRONMENTAL MATTERS	
				<input type="checkbox"/> 894 ENERGY ALLOCATION ACT	<input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT			<input type="checkbox"/> 894 ENERGY ALLOCATION ACT	
				<input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT	<input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE			<input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT	
				<input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE	<input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES			<input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE	
				<input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES	<input type="checkbox"/> 890 OTHER STATUTORY ACTIONS			<input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES	
				<input type="checkbox"/> 890 OTHER STATUTORY ACTIONS				<input type="checkbox"/> 890 OTHER STATUTORY ACTIONS	

Check if demanded in complaint

CHECK IF THIS IS A CLASS ACTION UNDER F R C P 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S D N Y ? IF SO STATE

DEMAND \$ _____ OTHER _____

JUDGE Jed S Rakoff DOCKET NUMBER 04-cv-7875

Check YES only if demanded in complaint
JURY DEMAND YES NO

NOTE Please submit at the time of filing an explanation of why cases are deemed related

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from (Specify District)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judge Judgment

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

- 1 U S PLAINTIFF
- 2 U S DEFENDANT
- 3 FEDERAL QUESTION (U S NOT A PARTY)
- 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW (28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [] []	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] []	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] []
CITIZEN OF ANOTHER STATE	[] []	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] []	FOREIGN NATION	[] []

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))

Debra K Craig (Creditor/Appellant)
 2925 Little Gap Road
 Palmerton PA 18071
 Carbon County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))

RCN Corporation (Debtor-In-Possession/Appellee)
 105 Carnegie Center
 Princeton, NJ 08540-6215

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT AT THIS TIME I HAVE BEEN UNABLE WITH REASONABLE DILIGENCE TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS

Check one THIS ACTION SHOULD BE ASSIGNED TO WHITE PLAINS FOLEY SQUARE
 (DO NOT check either box if this a PRISONER PETITION.)

DATE 11/4/04 SIGNATURE OF ATTORNEY OF RECORD *Ronen Samy* ADMITTED TO PRACTICE IN THIS DISTRICT
 [] NO
 YES (DATE ADMITTED Mo July Yr 2001)
 RECEIPT # Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court
 Magistrate Judge _____ is so Designated
 J Michael McMahon Clerk of Court by _____ Deputy Clerk DATED _____