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CLERK
US BANKRUPTCY COURT
DISTRICT OF DELAWARE

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	**Chapter 11**
TRANS WORLD AIRLINES ET AL,.	**Case Number: 01-0056 (PJW)**
Debtors	**(Jointly Administered)**

HERBERT MC MILLIAN , as Employee	SSA Claim No. 235-64-8692
ARIELLE MC MILLIAN ,as Eligible Child	SSA Claim No. 056-78-5675
Claimant / Creditors	
vs	
TRANS WORLD AIRLINES INC , as Employer	FILE No. 526-976
AMERICAN AIRLINE INC. , as Joinder	FILE No. Unknown
HARTFORD INSURANCE GROUP as Carrier	CASE No. 302-FC-24899
CONNECTICUT INSURANCE CO. as Joinder	CASE No. Uknown
UNKNOWN Defendants/ Debtors	

Hearing Date: October 19, 2001 at 9:30 A.M.

RELATED DOCKET NO. 2163 **RIGHT TO JURY TRIAL**

"REPLY" AMEND AFFIDAVIT OF HERBERT MCMILLIAN IN SUPPORT OF SUPPLEMENTAL OF FACTS CONSTITUTING THE EQUITY CLAIM~RELIEF FROM AUTOMATIC STAY (1) ORDER TO COMPEL ATTENDANCE OF AN ENTITY FOR EXAMINATION OF DOCUMENTS TO AN ISSUED SUBPOENA (2) APPOINTING U.S, TRUSTEE UNDER 1114 OF 11 ~ U.S.C. (3) REMOVAL

State of New York)
County of Queens) ss.:

INTRODUCTION

On 16th day of October ,2001 , **Herbert Mc Millian** (affiant) personally appeared before me, **Notary Public** whose signature appears below , After being duly sworn ,(he) Herbert Mc Millian stated the following under oath and this memorandum is submitted in in support of Affidavit and the attached relevant documents and or as mark exhibits .

1. My name **Herbert Mc Millian** (affiant) I, am over 18 years of age ,duly Movant Pro se of record for **claimant/creditor** party in this claims action.

2. I have personal knowledge of all of the facts of the law and raised issues stated in this **Affidavit** and if called to testify as a witness or (open statements) in this matter ,of claims, I could and would competently testify to each of the facts and law set forth in **Notice of Motion "Back Pay" etc.** annexed) as Exhibits **A-1**

3 The **claimant** brought for two cause of action base upon **certain claims** the (first} cause of action was for **disability benefits and insurance disability benefits** ,and the (second) cause of action was for breach of contract ;as retired management employee . .

STATEMENT OF FACTS RESULT BELOW ;

4. The Court granted **ordered modifying that the automatic stay of 11 U.S.C. ~ 362** the second cause of action sounding in liability and in damages but denied the debtors/ counsels objection as to claimant/creditor rights to jury trial the first cause of action. Attached is a copy of the duty entry of the order was August 24 , 2001; hereto as Exhibits; **A**.

5. Related action or proceeding is now pending in U.S. Social Security Administration pursuant to the Claimant / claim number 235-64-8692 jurisdiction , so the status thereof;

6. The action was commenced on the 5th day of June ,2001 thereafter by filing (i) a **proof of claims** (ii) **summons with notice** and (iii) **creditor petition ; rights to jury trial demands** and (iv) attached **declaration proof services** hereto as Exhibit, **B.** debtors / insurance or their counsel of record fail to answer or object herein has expired by law; Amount claimed in **petition** (*notice)* sum of $11,000,000,00 (million dollars) **:**

7. It had been ascertained as a result of an examination of debtors before a right to jury trial that [he or she] possession or control certain books , papers,documents and reports and record which are vital material, relevant , and necessay to the claimant to establish and present his merit claim in aboved caption case ,Because of this, I had served upon the debtors and insurance and counsels of record a duly issued combined **subpoenas [duces tecum]** and with certificate (proof) of services a true copy of which is annexed hereto as Exhibits; **C** on the 27 day of September ,and on the 2 day of October , 2001; calling for the production of "Back Payment" of employee full disability benefits and insurance full disability benefits to retired management employees (11 U,S.C. ~ 1114) ; **on the Hearing / Right to Jury Trial ; on October 19 , 2001 at 9:30 A.M.**

8. The debtors or insurance and counsel of record has not complied with that **subpoena [duces tecum]** by due date **October 10 , 2001 /** in that [he or she] has **wilfull** failed to answer and refused or plead and or to attend and appear and has not produced the so subpoenaed [duces tecum] items, as required 11 U.S.C 7026 and 5005 / 5007

9 In a letters and telephones session the movant /claimant **again** requested **all** part of **Subpoena** documents for inspection are issues proposed to be raise and between the opposing debtors /counsels of record at a Hearing / Right to Jury Trial on 19th day of October , 2001, (request was refuse): and debtors / counsels **conspired** among themself', replete with untrue falsehood incomprehensible written documents and fraudulent statements wherein and herein as to claimant "twa" employment full files, underlined - period from August 30 , 1979 ,on the job permanent physical injuries to present; A copy of claimant **reply** letter annexed hereto as Exhibit **D.**

10. I verily believe that the debtors /insurance and counsel of record has wilfully failed to comply with the individual issued subpoenaed [duces tecum] to **hamper** or **defraud** Movant in making his case and to further prejudice claimant **civil rights** and **liberty** etc.

ARGUMENT

11. Movant, claimant inspection all documents request is authorized 11 U.S.C. 9016 and 2004 and 5007 and 26 and 30 and 34 and 45 F.R. Civ. P.

12. The documents at issue raised are **not** protected from discovery by the attorney client privilege since opposing debtors and insurance group and counsels of record are **not** , and have never , in an attorney - client-in fact relationship

13 The ex-parte for permanent injunctive **relief** requested of this Court by Movant for Claimant ,Herbert Mc Millian is authorized under section 11 U.S.C /.Rule 9016 and 2005 and 9020 (d) ***(jury)*** and **2005 (a)*(marshal)*** and 45(e) F.R. Civ. P (***Contempt) ;***

14. The affidavit will be make on the basis that opposing debtors / counsels has failed and refused and still fails and refuses to produce the **subpoena** documents for inspection although movant ,claimant /pro se has frequently and continuously requests and demands that opposing debtors /insurance or counsels of record produce them and attempted to to resolve this dispute,but was not able to to so before Hearing,on October ,19th ,2001 ;

AS AND FOR A THIRD CAUSE OF ACTION.

15. Claimant , repeats, reinterates and reallege each and every allegation contained in paragraphs numbered 2 through 14 above with the same force and effect as though more fully set forth at lenght herein

16. Thc Court has granted and directing extenting the claimant /Herbert McMillian request for permission to enlarge and amend and supplemental a proceeding for ex-parte permanent injunctive relief from **modified automatic stay of 11 U.S.C. 362 (e)** and or et seq.and **363** et seq. **continued** in effect pending the conclusion of the final hearing ,A copy of the original proceeding was submitted to Court Clerk Office for Chamber ,Courtroom 2 at Hearing / Right to Jury Trial , to be held ,October 19, 2001 at (9:30 A.M.) A copy of a copy of proceeding is attached to the Affidavit and exhibits ;and A copy of Certificate of Service as Exhibit **A-1** as required in R5005

17. A subpoena [duces tecum] was duly issued by this court on date 18th day of September ,2001 commanding individual debtors and insurance and counsels of record to attend and give testimony and or produce all documents on due date of October 10 , 2001 and date of Hearing /Right to Jury Trial, October 19 , 2001. A copy of these subpoenas and A copy of proof of service is attached to the Affidavit as Exhibit **C**

18. Upon the movant claimant timely papers filed in all proceedings of reply Affidavit in support for relief from automatic **stay** which **permission to enlarge** is **granted by Court** and **no** timely papers having been filed in opposition (objection) or relation there to (1) **Subpoenas [Duces Tecum]** (2) **Notice of Motion** under 11 U.S.C. 5003 ; **5005 :** that the time of the all Debtors and Insurance Group to answers or appear herein **has expired by law;**

PAPERS REJECTION NOTICE

19. The debtors / individual co-counsel(s) papers have been rejected for a Reply by claimant Herbert Mc Millian pursuant to violation of Bankruptcy Code and Procedures of this Court ; The reason(s) for their rejection have been checked on the list below;

[x] **Individual debtors / counsel objection was in bad faith to defraud Movant;**

[x] Vague and Conflicting and Incomprehensible ;see claimant reply letter as Exhibit **D.**

[x] You have fail to annex a copy the order or other required papers,invoked jurisdiction.

[x] An affidavit contain in the papers was not notarized and signed by counsel of record

[x] An unknown [not] docketed (question raised issues} under U.S.C. 5003 and 5005

[x] Proof of services on the U,S, Trustee and other Prosecuting - interested parties et al,.

*** Notice: bulky exhibits available on request; it is**

20. **Please Take Further Notice,** that the Claimant, Herbert Mc Millian ,Pro se respectfully reserves the rights to submit **additional** charges and or request at question issues (of incomplete documents) proposed to be raised on (disputes) remaining claims :

Conclusion for Disposition Approval on Appointments : under;11 U.S.C.**1114 /7024 :**

No previous application for ex-parte permanent injunction **equity** relief herein prayed for has been made from the Automatic Modified **Stay** and Right to Jury Trial,

For all the *entity* reasons stated above by movant , this Court so grant an order; Herbert Mc Millian /Creditor a judgment by default against Trans World Airlines Inc.et al, & Hartford Insurance Group/Debtors & Joinder in equity *secure* sum of $11,000,000.00 (million dollars) with 12% interest from, August 30 , 1979 on the causes proof of claims "Back Pay" set forth in the original Creditor Petition, for full "insurance disability benefits" to retired management employee plus cost and and disbursements as modified shall continue to be paid by the appointed trustee;

(etc.):

Certification of (counsel) as Pro se

I, certify that I conferred in good faith **again** with Debtors / General Counsel(s) and and their Insurane Group and other Interest Party(es)Unknown et al,.Etc in an final effort. to **secure** inspection of the **subpoenas** documents without further court action , but was unable to do so.I, affirm this statements to be true under the penalties of perjury

.

Dated : October,15, 2001

Respectfully submitted on notice ;

Herbert Mc Millian ,et al,
Pro se for Claimant /Creditor
179-17 Anderson Road
St.Albans , New York ,11434
(718) - 723-4693

Bankruptcy Court -District of Delaware
Office of Chief Clerk
Attn: Chamber) Courtroom 2
U.S.Trustee & or U.S. Attorney General

Certificate of Service : (with additional proof) as (Attached)

TO: Debtors / Counsel and Insurance Group and et al,.

Sworn to before me on October 16,2001 X

Denise M. Rosenblatt

DENISE M. ROSENBLATT
NOTARY PUBLIC, State of New York
No. 04RO6052668
Qualified in Queens County
Commission Expires December 28, 2002

EXHIBIT (S)

EXHIBIT (S)

Herbert Mc Millian ,
179-17 Anderson Road
St. Albans, New York, 11434

718-723-4693

October 10 , 2001

By U.S. Certificate of Mailing

Kirland and Ellis
200 East Randolph Drive
Chicago , Illinois 60601
Attn: Marc J. Carmel Esq.

Pachulski, Stang, Ziehl, Young & Jones
919 North Market Street
Wilmington Delaware , 19899-8705
Attn: Bruce Grohsgal Esq.

Re: Trans World Airlines, Inc. et al.
(Debtors and Debtors Counsel"Case No.01-00056);

Dear Counsels

This letter confirm that Herbert Mc Millian , acknowledge of a copy of individual letter(s) during the (dated 10/9/01) and or telephone(s) call meet and confer we held in between us, regarding authorized issued "Subpoena"; under Bankr Code.& P.9016 & analogy to 2004 (c)(d) *Compelling Attendance of and Production* of Documentary *Evidences* at a Hearing or Right to Jury Trial, to held on October, 19th ,2001

Subject Matters Priorities unsecured claims: which a dispute exists and the statue: [*Period from 8 30 79 to present ; on the job permanent physical injuries]:*

First; **Obligation** pursuant Bankruptcy Code , 507 and 1114 " Back Payment" of Debtors and Debtors Insurance disability benefits to retiree(s) management employee(s);

Second, it would be premature and impossible for me to respond to you or your "vague conflicting letter "to incomprehensible documents a **falsify** employment files of my;

If the above is an inaccurate summary of our meet and confer session, please advise in writing affidavit under oath by due day 16 day of October ,2001, (matter unresolved); Thank you or your attention to this matter;

Herbert Mc Millian

Pro se; Herbert Mc Millian, Social Security No. 235-64-8692

Chapter 11 Bankruptcy Case No. 01-0056(PJW)

CERTIFICATE OF SERVICE (S)

I , Claimant Herbert Mc Millian,for Creditor's ,certify that I am not less than 18 years of age ,and that proof of service of this notice " Reply" Amend Affidavit of Herbert Mc Millian in Support of Supplemental of Facts _____ and a copy of ____ - Affidavit - _____ was made on date 16 day of October, 2001 upon **Via U.S. Mailing or and Fax** 35 MARK Checked

To: General Counsel & affiliate(s) & Insurance carrier & Joinder for Debtors of Record:

1. ***Employer of Record***
Trans World Airlines Inc. et al,.
General Counsel Office
515 North 6th Street) 1 City Center
St.Louis , Mo. 63101
Attn: William Compton,as Chairman

3. ***Local Bankruptcy Co-Counsel***
Pachulski,Stang,Ziehl, Young and Jones P.C.
Bruce Grohsgal Esq. of Record
919 North Market Street
Wilmington, Delaware,19899-8705
FAX # 302-652-4400

2. ***Bankruptcy General Counsel:***
Kirkland and Ellis
David R. Seligman, Esq of Record.
200 East Randolph Drive
Chicago ,Illinois 60601
FAX # (312) 861-2200

4. ***Insurance Carrier of Record***
Hartford Insurance Financial Service Group Inc.
General Counsel Office
Hartford Plaza
Hartford ,Connecticut 06115

5. ***Affiliate Joinder***
American Airline Inc.
General Counsel Office
4333 Amon Carter Blvd.
Forth Worth , Texas 76155

6. ***Affiliate Joinder***
Connecticut General Life Insurance Co. (Signa Ltd.)
General Counsel Office
1000 Corporation Center Drive
Franklin , Tennesssee ,37067

and other interest debtors ,1 and Unknown Parties et al,.

To: Bankruptcy Court : Chief Clerk Office (chamber courtroom - 2)
cc: U.S. Trustee - District Court of Delaware

VERIFICATION

Under penalty of perjury , I declare that the foregoing is true and correct.

Dated: October 16 , 2001

Herbert Mc Millian

BY: Herbert Mc Millian ,an as
Pro se for Claimant/Creditor's
179- 19 Anderson Road
St. Albans , New York 11434

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE
Chapter 11
Case Number , 01-0056 (PJW) (Jointly Administered)
CLERK DOCKET NO. 2163 JURY TRIAL DEMAND

In the Matter of Claims
HERBERT MC MILLIAN , et al , as
Claimant - Creditor
-against-
TRANS WORLD AIRLINES Inc. et al,. as
Defendants / Debtors

"REPLY" AMEND AFFIDAVIT OF HERBERT MC MILLIAN IN SUPPORT OF SUPPLEMENTAL OF FACTS ET AL,.

Signature: Rule 9011-1
x Herbert McMillian
Herbert Mc Millian , as an **Pro se**
For Claimant - Creditor
179-17 Anderson Road
St.Albans , New York ,11434
(718) 723-4693

To. Trans World Airlines Inc.et al,.
General Counsel Office
515 North 6th Street) 1 City Center
St. Louis , Mo. 63101

Signature: Rule 9011-1

_____
Print name beneath

By; Kirkland and Ellis
David R. Seligman , General Counsel of Record
200 East Randolph Drive
Chicago , Illinois 60601

Service of a copy of the within is hereby Admitted.

Dated : _____

other affiliate Co-Counsel(s) and Insurance carrier and Joinder for/ Debtors of Record et al

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Please Take Notice ;
[X] NOTICE OF ENTRY

That the within is a (*Certified*) attached ORDER *FILED* and duly entered in the office of the Clerk of the within named Court on 24th day of August ,2001 and signature of Appointed Judge Court-Room 2

By; Herbert Mc Millian , as "Creditor" **Pro se**