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2009 JUN 1 CLERK U.S. BANKRUPTCY COURT DISTRICT OF DELAWARE

UNITED STATES BANKRUPTCY COURT **Page 1 of 3**
FOR THE DISTRICT DELAWARE

In re: TWA INC. POST CONFIRMATION ESTATE *		Chapter 11
	*	
Debtor.	*	Case No. 01-56(PJW)
Michael J. Lichty, *as* Plan Administrator,	*	("Class Action") Civil Rule 23(f)
Officers, Attorneys, its Subsidiaries / Recipients,	*	**Jury Demands** -Civil Rule-38(b)
for Trans World Airlines, Inc.	*	**Response Due:** June 01, 2009
"John Doe", Joinder *Third* Parties in Interest	*	***Hearing Date: June 11, 2009***

* *

TO: **parties,** as required to be served pursuant to 2002(a)(b)(f)(j)(k)(l)

CREDITOR'S, RESPONSE AND OBJECTION TO SUBMISSION OF PROOF OF CLAIM IN CONNECTION WITH- *JOINT* - FORTY-NINTH -AND FIFTIETH OMNIBUS TO (OMISSION) OF *ENTITY* PROOF OF CLAIM-

I. To 01st day of June 2009, the **Herbert McMillian,** Movant, Pro Se, for the *entity* Creditor's, **(1). A *(omission)*** of **proof of claims,** was *originally filed* in the above entitled case on behalf of the *entity* creditor Herbert McMillian, in which the matter in *controversy* exceed of excess the sum $ 25,000,000,00, in *equity* of claims, interest and costs. as **claim #:**1006824 *and* **docket #:** 5853 *-uncontested* by rule 9014 and **relief** from **automatic stay** of 11 USC- 362, for jury trial, *which* **"disability claims"** *were* allowed by McMillian, as a ***retired employee of TWA,*** in the Social Security Act.(*dated 8/24/01*). **(2)** -the lawful (BMC)- agent, is duty authorized to execute this document on behalf of the above *entity* creditor. ***See;***(28 USC-1332(d)(2)(3) **in class action** ~in a District Court.

II. Based *again* on ***report*** and cause for this *foregoing* **objection,** on the date already scheduled for omnibus hearing in accordance with *govern* Bankruptcy Rule **3001; 3007; 3008; 3017** *and* 3020. **Once** again the ***conspiracy,*** officers, attorneys of **estate for TWA, Inc.** ***et al, wil~ful continuing*** to filed "material misstatement" ***~fal si fy*** ~ to ***Submission***

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of **proof of claims** (*Substantive)* Relating to *joint* - **(1).** Docket Item #:6028 *and* **(2).** Docket Item #:6029 on disclosure statement *and* on confirmation plan. on ***unknown plan.*** **Pursuant to section 3057 of USC.** bankruptcy **crimes,** govern by 18 USC- 152 through **158** and section 1519 and section 3284. See, *once again* McMillian, seeking ***criminal charges*** *-against-* the same *original* officers, attorneys of estate/debtor. See, USDC. Del. Civ. No. 09-cv-81(SLR)-Jury Demanded. **That action remains Pending;** pursuant to 18-USC- 3237(a) ***continuing criminal charges, offense, violation, as aforesaid.***

III. ***Foregoing*** constitute full *and* final ~**disposition**~ TWA, Inc., its, insurance carrier, agent, *each* and *every* Debtors, shall ***back pay,*** ~ ***pro rata*** - as *share* or *portion* or *liability,* to *entity* Creditor, McMillian, all insurance **benefits,** ***"disability claims," annuity contract - 401k*** - as *employee Field Manager,* as provided under (Non-Contract - Retirement Information Packages) ***-full Pension Benefits Guaranty Corporation*** *(*PBGC) by **Employment Retirement Income Security Act**(ERISA) in 1974. and **Retiree Benefit** (11 USC-1114(a)(e)(1) See;-Title VI -section 608(1-5), ~ ***duty*** ~ of U. S. Trustee' and from all other claims that may arise, be allowed in subject matters,, for lump sum, debtors , it insurance carrier -agent to offer and to guarantee the purchase and ***payment*** of an ***annuity contract, exceed of excess sum*** **$ 5,000,000.00** ***in equity all claims,*** [*past and future damages*] with ***interest*** 20% and installment per month, the remainder of his life and ***retroactive*** to the effective date August 30, 1989 until NOW ***on the job permanently injury*** **"of the aforesaid"** ****in this class action*** [*suit*]. at the *below* scheduled Hearing. See. Civil Rule 41(a)(1)(ii) *analogy* Civil Rule 23(e(f)).

[IDENTIFY CLAIM OR COUNTERCLAIM AND STATE BASIS FOR OBJECTION AND REQUESTED DISPOSITION]. govern by Rule 3007 and 3001 of Bankruptcy Procedure.

IV. Each of you shall **attend** and **testify** at the already scheduled omnibus hearing on this **Objection** will be held June 11, 2009. Date of Confirmation Plan Hearing, above Court.

V. You or Your shall also mail a **certify** copy within ***48 hours*** before *above* hearing to:

Objector's ,address *below* and U.S. Trustee, U.S. Attorney, and above Court.

A COPY OF THIS DOCUMENT HAS BEEN SERVED TO MONITOR - *DUTY-* UNITED STATES TRUSTEE *WITH REGARD TO CHAPTER 11,* OF *MULTIPLE DISCLOSURE STATEMENT AND PLAN ?,* WHOSE NAME AND MAILING ADDRESS ARE BELOW.[28 USC-586(a)(3)(B)(F) and (f)(2)(A)(B)(i)(ii)].

Mark S. Kenney , Esq.
United States Trustee
844 King Street. 2nd Floor
Wilmington DE 19801

David C. Weiss
(*Acting*)**United States Attorney**
1007 North Orange Street 7th Floor
Wilmington DE 19899

Dated Executed on June 01, 2009

Enclosure - Exhibits

Submitted and Filed with Bankruptcy Clerk
By: x Herbert Mc Millian
Herbert McMillian, for ***objector***
179-17 Anderson Road
St. Albans, NY 11434
(718) 723-4693

CERTIFICATE OF SERVICE

SEE; crimes and criminal procedure -section -definition -Concealment of assets; false oaths and claims; shall be fined under this title, imprisoned not more than 5 years, or both -18-USC-152 and 157 and 158.

---

* See: DIXON v. SHALALA - (Class -Action Suit- on the job permanently injury)
Cite as 54 F.3d 1019 (2nd Circuit - 1995)

CERTIFICATE OF SERVICE
BY UNDERSIGNED-*PRO SE*

I, Herbert McMillian, **certify,** that undersigned - pro Se - *sole* **Creditor's,** in this "Jury Demanded" action, served or cause to had served of these evidentiary documents with - **notice-** and a true copy's *(attached)* was made on 01 day of June **2009.**

1. Creditor's Response and Objection to Submission of Proof of Claim in connection with Joint Forty Ninth and Fiftieth Omnibus to (Omission) of entity Proof of Claims.
3. ***Addendum*** **- Exhibits**

upon the following identified parties in interest the manner indicated: (as required by Fed.R.Civ.P 5(b)(1)(B).(e) **or** F.R, Civ. P.4(e)(i).

Method of Service: *(Check Mark)* [x] U.S. Mail or [ ] Fax [x] Personal [ ] other

Peter J. Walsh, Judge
United States Bankruptcy Court
824 Market Street
Wilmington DE 19899

Martha Araki, Senior Manager
BMC Group - **los angeles**
444 North Nash Street
El Segundo, CA 90245
(310 -321-5555)

James E, O'Neill, Esq. and
Pachulski, Stang ,Ziehl, & Jones LLP
919 North Market Street
Wilmington , DE 19899
TWA,Inc. Its List of Recipients

Michael J .Lichty, Plan Administrator.
Jill M. Gilbert, Esq.
TWA, Inc. Post Confirmation Estate
9909 Manchester Road -- P.O. Box 343
St. Louis , MO. 63122

Mark S. Kenney , Esq.
United States Trustee's
Department of Justice
844 King Street
Wilmington , DE 19801

David C. Weiss, Esq.
(Acting)United States Attorney
Department of Justice
1007 North Orange Street
Wilmington , DE 19899

"John Doe" *and other said parties in interest -unknown*

Upon penalty of perjury, I declare that the foregoing is true and correct.
[*Declaration of ;* Pursuant to 28 USC- 1746]

Submitted and Filed with Bankruptcy Clerk of Court

Dated: Execution - June 01, 2009 x _____
Signature

Herbert McMillian, *entity Creditor*
179-17 Anderson Road
St. Albans, NY 11434
(718) 723-4693

ADDENDUM

"evidentiary - document(s)"

EXHIBIT(S)

[X] ***provided by plaintiff's /***

or

[ ] ***on written requests only***

FORM B10 (Official Form 10) (10/05)

RECD APR 05 2007

UNITED STATES BANKRUPTCY COURT — DISTRICT OF Delaware

PROOF OF CLAIM

Name of Debtor	Case Number
TWA, Post Confirmation of Estate.& Hartford Insurance Group.	01-56(PJW) (Jointly Administered

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 U.S.C. § 503.

Name of Creditor (The person or other entity to whom the debtor owes money or property)
Herbert McMillian,

Name and address where notices should be sent
179-17 Anderson Road
St.Albans, NY 11434
Telephone number (718)723-4693

☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
☐ Check box if you have never received any notices from the bankruptcy court in this case.
☐ Check box if the address differs from the address on the envelope sent to you by the court.

THIS SPACE IS FOR COURT USE ONLY

Last four digits of account or other number by which creditor identifies debtor: NYS Tax Id # 526 976

Check here ☒ replaces ☒ amends if this claim a previously filed claim dated 06-10-01 by Rule 3008 & 9027.

1 **Basis for Claim**) and Issues, and legal Text
- ☐ Goods sold) and equitable.
- ☒ Services performed) as employee, manager
- ☐ Money loaned) non-contract, of TWA,
- ☒ Personal injury/wrongful death on the job.
- ☐ Taxes
- ☒ Other Pending "disability [suit]". in 2nd Cir

☒ Retiree benefits as defined in 11 U.S.C. § 1114(a) (e)(1) (B)5).
☒ Wages, salaries, and compensation (fill out below)
Last four digits of your SS # 8692
Unpaid compensation for services performed
from 8-30-1979 (date) to NOW (date)

2 **Date debt was incurred** Agreed Post Retiree Pending Benefits, by TWA, TWA, LLC &AA

3 **If court judgment, date obtained** Attach, STAY of Order, for Jury Trial (11 usc -362(a)

4 **Classification of Claim** Check the appropriate box or boxes that best describe your claim and state the amount of the claim at the time case filed. See reverse side for important explanations.

Unsecured Nonpriority Claim $ to be estimated [11 usc -502(c)(2).]
☒ Check this box if: a) there is no collateral or lien securing your claim or b) your claim exceeds the value of the property securing it or if c) none or only part of your claim is entitled to priority.

Unsecured Priority Claim & Interest[11 usc-502 and [11 usc 1111.].
☒ Check this box if you have an unsecured claim all or part of which is entitled to priority ?.

Amount entitled to priority $ 4,300 [11 usc 507(a)(3) (G) and (9)(b).
Specify the priority of the claim
(Trustee's, 11 USC-1129(13).

☐ Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B)

☒ Wages, salaries, or commissions (up to $10,000) * earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4)

☒ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5)

Secured Claim & Interest(11 usc-502 et seq.
☑ Check this box if your claim is secured by collateral (including a right of setoff) to be assessed by Jury under (28 usc-1874.& 7055.& 8007.
Brief Description of Collateral - Requested
☐ Real Estate ☐ Motor Vehicle ☐ Other
Value of Collateral $25,000,000, and of violations (11 usc-362(b)(1)
Amount of arrearage and other charges at time case filed included in secured claim, if any $ ERISA & PBGC. under 29 usc-1131 and 1132

☐ Up to $2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7)

☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8)

☒ Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(A)

**Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.*

5 **Total Amount of Claim at Time Case Filed** duty of Trustee's / Examiner (11 usc-1104.

$? (unsecured)	? (secured)	? (priority)	? (Total)

☐ 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.

6 **Credits** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. Re.Hartford Insurance Group.(pay-out annuity contract - Check No.150210622-8

7 **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.

8 **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. (Personal Service)

THIS SPACE IS FOR COURT USE ONLY

TWA Claim
1006824

Date	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)
03/27/07	Herbert McMillian, Creditor's

Penalty for presenting fraudulent claim: Fine of up to $500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

*("McMillian:), Creditor's will disclose any ? relevant documents on Request Only.

* Claims #: 1006824 ; Docket #: 5853

TRANSMITTAL

Date: May 8, 2007

To: Herbert McMillian

From: Trina Carter (310) 321-5586

Re: TWA

ENCLOSED PLEASE FIND: a copy of your filed proof of claim, claim number 1006824 if you have further questions please don't hesitate to call.
Docket #: 5853 (in amount 25,000.000.00 dollars)

- ☒ FOR YOUR INFORMATION
- ☐ PLEASE REVIEW AND TELEPHONE ME AS SOON AS POSSIBLE
- ☐ IN ACCORDANCE WITH YOUR REQUEST
- ☐ PLEASE READ AND ADVISE ME HOW TO REPLY
- ☐ PLEASE SIGN AND RETURN TO ME
- ☐ PLEASE ACKNOWLEDGE RECEIPT
- ☐ PLEASE REVIEW AND COMMENT
- ☐ PLEASE FILE AND RETURN CONFORMED COPY
- ☐ PLEASE HANDLE
- ☐ FOR YOUR FILES
- ☐ OTHER:

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT DELAWARE

In re:	)	**Chapter 11**
	)	
TWA INC. POST CONFIRMATION ESTATE,	)	**Case No. 01-00056 (PJW)**
	)	
	)	**Hearing Date: June 11, 2009 at 9:30 a.m.**
Debtor.	)	**Related Docket No. 6028**

TO: Parties required to receive notice pursuant to Del. Bankr. LR 2002-1.

NOTICE OF SUBMISSION OF PROOFS OF CLAIM IN CONNECTION WITH THE FORTY-NINTH OMNIBUS OBJECTION TO CLAIMS (SUBSTANTIVE)

On May 8, 2009, the above-captioned debtor and debtor in possession (the "Debtor"), filed the *Forty Ninth Omnibus Objection To Claims (Substantive)* (the "Forty-Ninth Omnibus Objection") [Docket No. 6028] with the United States Bankruptcy Court for the District of Delaware, 824 Market Street, Wilmington, Delaware 19801. A hearing on the Forty-Ninth Omnibus Objection is scheduled for **June 11, 2009 at 9:30 a.m. Prevailing Eastern Time**.

The proofs of claim that are required to be delivered to Chambers pursuant to Del.Bankr.LR 3007-1(e)(iv) (the "Proofs of Claim") have been delivered to Chambers (with all attachments) together with copies of the Forty-Ninth Omnibus Objection. Copies of any

Proof of Claim can be requested from Debtor's counsel.

Dated: May 19, 2009

PACHULSKI STANG ZIEHL & JONES LLP

Laura Davis Jones (DE Bar No. 2436)
James E. O'Neill (DE Bar No. 4042)
919 North Market Street, 17th Floor
Wilmington, Delaware 19899-8705 (Courier 19801)
Telephone: (302) 652-4100
Facsimile: (302) 652-4400

-and-

Jill M. Gilbert
General Counsel
TWA Inc. Post Confirmation Estate
9909 Manchester Road
P.O. Box 343
St. Louis, MO 63122-1915
Telephone: (314) 322-8121
Facsimile: (314) 965-8867

Co-Counsel for the Estate

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT DELAWARE

In re:	)	**Chapter 11**
	)	
TWA INC. POST CONFIRMATION ESTATE,	)	**Case No. 01-00056 (PJW)**
	)	
	)	**Hearing Date: June 11, 2009 at 9:30 a.m.**
Debtor.	)	**Related Docket No. 6029**

TO: Parties required to receive notice pursuant to Del. Bankr. LR 2002-1.

NOTICE OF SUBMISSION OF PROOFS OF CLAIM IN CONNECTION WITH THE FIFTIETH OMNIBUS OBJECTION TO CLAIMS (EXHIBIT B) (NON-SUBSTANTIVE)

On May 9, 2009, the above-captioned debtor and debtor in possession (the "Debtor"), filed the *Fiftieth Omnibus Objection To Claims (Non-Substantive)* (the "Fiftieth Omnibus Objection") [Docket No. 6029] with the United States Bankruptcy Court for the District of Delaware, 824 Market Street, Wilmington, Delaware 19801. A hearing on the Fiftieth Omnibus Objection is scheduled for **June 11, 2009 at 9:30 a.m. Prevailing Eastern Time**.

The proofs of claim that are required to be delivered to Chambers pursuant to Del.Bankr.LR 3007-1(e)(iv) (the "Proofs of Claim") (Exhibit B – "No Supporting Documentation") have been delivered to Chambers (with all attachments) together with copies of

the Fiftieth Omnibus Objection. Copies of any Proof of Claim can be requested from Debtor's counsel.

Dated: May 19, 2009

PACHULSKI STANG ZIEHL & JONES LLP

Laura Davis Jones (DE Bar No. 2436)
James E. O'Neill (DE Bar No. 4042)
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-and-

Jill M. Gilbert
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Telephone: (314) 322-8121
Facsimile: (314) 965-8867

Co-Counsel for the Estate

CHAPTER 203 Arrest and Commitment (18 U.S.C. § 3057)

Sec.

3057. Bankruptcy investigations.

18 USC § 3057.

Bankruptcy investigations.

(a) Any judge, receiver,[1] or trustee having reasonable grounds for believing that any violation under chapter 9 of this title or other laws of the United States relating to insolvent debtors, receiverships or reorganization plans has been committed, or that an investigation should be had in connection therewith, shall report to the appropriate United States attorney all the facts and circumstances of the case, the names of the witnesses and the offense or offenses believed to have been committed. Where one of such officers has made such report, the others need not do so.

(b) The United States attorney thereupon shall inquire into the facts and report thereon to the judge and if it appears probable that any such offense has been committed, shall without delay, present the matter to the grand jury, unless upon inquiry and examination he decides that the ends of public justice do not require investigation or prosecution, in which case he shall report the facts to the Attorney General for his direction.

Selected Case Comment

Immunity From Civil Action. Section 3057 of title 18 obligates the court and the trustee to report violations of the criminal bankruptcy statutes to the United States attorney. Referring matters under this statute are judicial in nature, and a trustee or judge making such a referral is

[1] [*Editors' Note:* The Code abolishes the office of "receiver." In lieu thereof, an "interim trustee" is appointed at the outset of a chapter 7 case.]

absolutely immune from a suit for defamation. *In re* Heinsohn, 247 B.R. 237 (E.D. Tenn. 2000).

Obligation to Report Crimes. A trustee is obligated to report illegal acts to the United States attorney. There is no distinction between whether illegal acts are discovered by the trustee or the government itself. *In re* DG Acquisition Corp., 37 C.B.C.2d 1679, 208 B.R. 323 (Bankr. S.D.N.Y.), *aff'd*, 213 B.R. 883 (S.D.N.Y. 1997), *aff'd*, 151 F.3d 75 (2d Cir. 1998).

If a bankruptcy judge reports an attorney for investigation of perjury, a judge later assigned to the case is not required to follow up on the investigation or make further referral. The statute is complied with if "one of such officers" makes a report. *In re* El San Juan Hotel Corp., 239 B.R. 635 (B.A.P. 1st Cir. 1999), *aff'd*, 230 F.3d 1347 (1st Cir. 2000).

Collier References

1 *Collier on Bankruptcy*, ch. 7 (Matthew Bender 15th ed. rev.).

CHAPTER 73 Obstruction of Justice (18 U.S.C. § 1519)

Sec.

1519. Destruction, alteration, or falsification of records in Federal investigations and bankruptcy.

18 USC § 1519.

Destruction, alteration, or falsification of records in Federal investigations and bankruptcy.

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

Federal Procedural Forms
Database updated July 2008

Chapter 53. Pensions and Retirement
I. Private Pension Plans
A. Group Plans
1. Administrative Considerations and Proceedings
a. Procedural Guide
iv. Termination of Plans

Summary Correlation Table References

§ 53:26. PBGC investigations

The Pension Benefits Guaranty Corporation (PBGC) has authority to conduct any investigation which it believes is necessary to determine whether a person has violated, or is about to violate, any of the plan termination insurance provisions of the Employee Retirement Income Security Act or any rule or regulation issued under such provisions.[1] It may take or compel sworn written statements, subpoena witnesses, compel attendance of witnesses, take evidence, and require the production of books, papers, correspondence, memoranda, and other records which the PBGC deems relevant or material to the inquiry.[2] If a person is guilty of contumacy or refusal to obey a subpoena, the PBGC may invoke the aid of any federal court within the jurisdiction where the investigation or proceeding is carried on, or where the uncooperative person resides or carries on business, to enforce its authority.[3]

[FN1] 29 U.S.C.A. § 1303(a).

[FN2] 29 U.S.C.A. § 1303(a), (b).

Treatises and Practice Aids

Federal Procedure, L. Ed. § 61:86.

[FN3] 29 U.S.C.A. § 1303(c).

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FEDPROF § 53:26

END OF DOCUMENT

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ORIGINAL

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

TRANS WORLD AIRLINES, INC., et al.,[1]	)	Chapter 11
	)	Case No. 01-0056 (PJW)
	)	(Jointly Administered)
Debtors.	)	

ORDER MODIFYING THE AUTOMATIC STAY
WITH RESPECT TO CERTAIN CLAIM OF
HERBERT MC MILLIAN

Upon the motion of Herbert McMillian for trial by jury, the Court having heard argument and the Court being advised in the premises;

IT IS HEREBY ORDERED that the automatic stay of 11 U.S.C. § 362 applicable to the above captioned cases is modified solely for the purpose of allowing Herbert McMillian ("McMillian") to proceed in the Social Security Administration proceeding styled Herbert McMillian, et al., Social Security Claim No. [redacted]-8692 v. Trans World Airlines, Inc. and Hartford Insurance Group regarding disability insurance claimed by McMillian as a retired employee of TWA but the automatic stay is not modified with respect to any other action brought by McMillian.

Dated: 2/24/01
Wilmington, Delaware

United States Bankruptcy Judge

[1] The Debtors are the following entities: Trans World Airlines, Inc., Ambassador Fuel Corporation, LAX Holding Company, Inc., Mego Advertising Inc., Northwest 112th Street Corporation, The TWA Ambassador Club, Inc., Trans World Computer Services, Inc., Transcontinental & Western Air, Inc., TWA Aviation, Inc., TWA Group, Inc., TWA Standards & Controls, Inc., TWA Stock Holding Company, TWA-D.C. Gate Company, Inc., TWA-LAX Gate Company, Inc., TWA Logan Gate Co., Inc., TWA-NY/NJ Gate Company, Inc., TWA-Omnibus Gate Company, Inc., TWA-San Francisco Gate Company, Inc., TWA-Hangar 12 Holding Company, Inc., Ozark Group, Inc., TWA Nippon, Inc., TWA Employee Services, Inc., TWA Getaway Vacations, Inc., Trans World Express, Inc., International Aviation Security Inc., Getaway Management Services, Inc., The Getaway Group (U.K.) Inc.

SATURDAY, FEBRUARY 5, 2000

Judge Orders Faster Review In Benefits Suit

Assails Delays in Settling Many Disability Claims

By BENJAMIN WEISER

Nearly eight years after the Social Security Administration agreed to review the cases of thousands of New Yorkers who claim that they were wrongfully denied disability benefits during the Reagan administration, a federal judge in Manhattan has criticized the agency for moving too slowly, saying people are dying before their claims can be processed.

Complaints about the denial of benefits go back to the early 1980's, when the government was widely criticized by judges and lawmakers for its efforts to remove people from disability rolls in defiance of court rulings. In 1992, the government agreed to reopen and grant new reviews of cases from that era in which New Yorkers were denied benefits or lost them.

On Thursday, after being told that 85,000 people — more than half of those who had filed claims — were still waiting for their reviews, Judge Leonard B. Sand of Federal District Court ordered the Social Security Administration to give prompt attention to the backlog, and to report back if it cannot process at least 30,000 cases a year until the work is complete.

"I don't underestimate the magnitude of the problem Social Security faces," Judge Sand said in court. "But I really do have a feeling that I'm dealing with a glacier here." He said he would consider taking more intrusive action" if the agency failed to resolve the problem, but did not elaborate.

Many of the claimants are indigent, rely on some form of public assistance and say their disabilities entitle them to the benefits, which could amount to thousands of dollars retroactively, Kathleen M. Kelleher, a lawyer with the Legal Aid Society of New York, said in an interview.

The judge acted after the Legal Aid Society returned to court seeking enforcement of a July 1992 consent decree, approved by Judge Sand, that resolved a major class-

Continued on Page B6

Speedy Review of Disability Claims Is Ordered

Continued From Page B1

action lawsuit, Stieberger v. Sullivan. It was filed by New Yorkers who said the Reagan administration had flouted the law in thousands of cases involving disability benefits.

As part of the consent decree, the Social Security Administration sent out notices to New Yorkers who were denied benefits in the 1980's. One hundred fifty-three thousand responded, claiming that they were entitled to new disability reviews.

But Legal Aid lawyers told Judge Sand that the Social Security Administration was not only moving too slowly in reopening the claims, but was also unwilling to provide an estimate of how long the process would take, thereby undercutting the effectiveness of the decree.

Judge Sand said he wanted to ensure that the decree had real meaning, "and that cases are not going to be closed with discouraging frequency because the claimants have died."

The agency acknowledged in court on Thursday that it routinely closed cases in which claimants had died before their reviews could take place. No witnesses testified in court about the effect of the delays, and no specifics were offered about people who had died waiting for claims to be processed.

But the Legal Aid lawyer, Ms. Kelleher, said after the hearing that she had received hundreds of letters from the Social Security Administration, each notifying the Legal Aid Society that another plaintiff whose case was unresolved had died.

Ms. Kelleher praised Judge Sand's order, saying it would force Social Security officials to confront the backlog and see that they'll be fin[illegible] disappointed that it can't happen before then," Ms. Kelleher added.

A Social Security spokeswoman, Catherine L. Noe, said yesterday, "We are working very hard to process the claims in the Stieberger case and for everyone else who applies in the future, to make sure we can take good care of them and get their claims processed in a speedy manner."

The class-action lawsuit, filed in 1983, charged that Social Security officials had ignored federal appeals court decisions that ran counter to the agency's more restrictive policies in disability cases.

In 1985, Judge Sand found the agency's actions to be unlawful, a ruling that ultimately led to the 1992 consent decree. In his decision, he noted that all of the original plaintiffs were poor and were "barely, if ever, able to afford little more than rent, utilities and transportation."

Under the decree, the Social Security Administration was to integrate the New York claims into its regular workload, and process them within "reasonable" time.

But the agency said the New York claims were "far more complex and time-consuming" than "regular claims" because of their age. The agency said it was also trying to balance its other obligations under court settlements and mandates from Congress with the New York claims.

Terry M. Henry, a Justice Department lawyer, told Judge Sand that the agency processed 15,000 of the New York cases in the year ended August 1998 and 30,000 cases in the following year.

The judge asked whether the agency had considered asking Congress for more money to handle the claims of the New York plaintiffs, whom he described as a "group of people who are getting older and sicker" and who had been deprived of their rights.

"Do you think that in July 1992, when I approved this order, there was awareness on anyone's part that in January 2000 over half of the claims would not even begin to be processed?"

State of New York
WORKERS' COMPENSATION BOARD

DATE OF HEARING	W.C. LAW JUDGE	DECISION DULY FILED ON / BY
6 10 80	Caputo	6 13 80 / TM
*WCB Case No. 07954183	Date of Accident 8.30.79	Social Security Number 235.64.8692
Carrier Case No. 302 FC 24899	Carrier Code 32	

Claimant
Herbert McMillan
221 24 134th Rd.
Laurelton NY

* Employer
Trans World Airlines
JFK Airport
Jamaica NY

Reisman, Milberg, Etal.
225 Broadway
NYC

Herbert McMillan
P. O. Box 1174
Jamaica NY 11432

12900

NOTICE OF DECISION

CLAIMANT

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After hearing, the following Decision and Award was made.

AWARD: THE EMPLOYER AND/OR THE INSURANCE CARRIER ARE DIRECTED TO PAY AT ONCE

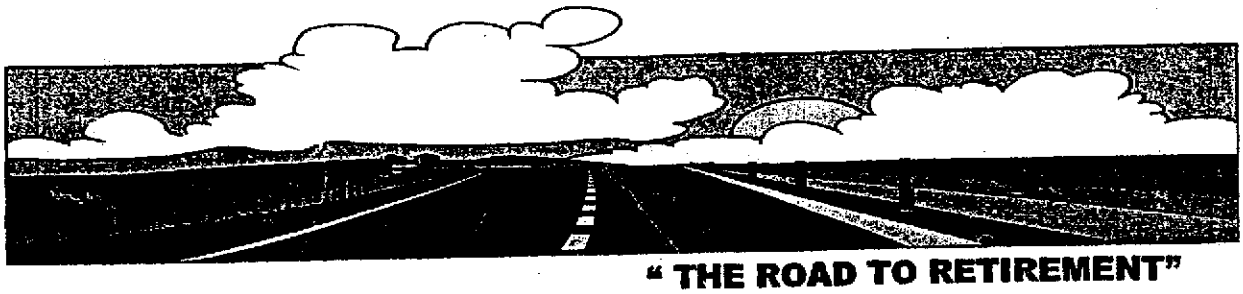
for disability over a period of: weeks	from	to	at rate per Week	the sum of	TO:
18 2/5	2.4.80	6.11.80	$84.60	$1560.64	CLAIMANT
Carrier to continue payments at $84.60. Temporary rates made permanent.					LESS PAYMENTS MADE COVERING THIS PERIOD.
as lien on award payable by separate check by carrier to CLAIMANT'S REPRESENTATIVE OR ATTORNEY				200.00	Reisman, Milberg, Etal.
fee to DOCTOR for attendance at hearing					

DECISION: Case was Continued. I find claimant had continuing disability from 12 18 79 to 2 4 80 and fixed rate of $105.00 reduced earnings. Average weekly wage established at $507.69 per stipulation and payroll.

* If the WCB Case No. is preceded by "V," this decision is made under the Volunteer Firemen's Benefit Law, and the State political subdivision is deemed to be the "Employer" of the volunteer firemen. In all other cases, this decision is made under the Workers' Compensation Law.

C-23 (12-79)

Chairman



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To: Peter J. Walsh, Judge
United State Bankruptcy Court
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Wilmington, DE 19899

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