

**COHEN TAUBER SPIEVACK & WAGNER P.C.**

*Counsel for Turnaround Advisors, L.L.C. as  
Liquidating Trustee for the Eos Airlines, Inc.  
Liquidating Trust*

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Joseph M. Vann, Esq.

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

In re:

EOS AIRLINES, INC.

## Reorganized Debtor.

**AGREED ORDER ALLOWING CERTAIN CLAIMS IN RESPECT OF  
FIFTH OMNIBUS OBJECTION AND GRANTING RELATED RELIEF**

Upon the Fifth (Substantive) Omnibus Objection to Claims, filed by Turnaround Advisors, L.L.C., as liquidating trustee (the “Trustee”) of the Eos Airlines, Inc. Liquidating Trust, pursuant to 11 U.S.C. § 502(b) and Bankruptcy Rule 3007 (Docket No. 466) (the "Fifth Omnibus Objection");<sup>1</sup> and upon the Court having reviewed the Fifth Omnibus Objection; and upon Mark S. McCarthy (“McCarthy”) having been properly and timely served with notice of the Fifth Omnibus Objection (Docket No. 467, Affidavit of Karen Wagner); and upon McCarthy filing an affidavit in response to the Fifth Omnibus Objection on December 14, 2009 (Docket No. 502); and upon the parties advising the Court that they reached agreement upon an allowed and reduced claim as set forth herein; and the Court finding good and sufficient cause for granting the relief

<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings set forth in the Fifth Omnibus Objection.



requested set forth herein as to particular claims addressed in the Fifth Omnibus Objection; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, the Standing Order of Referral of Cases to Bankruptcy Judges, dated July 10, 1984, entered by the United States District Court for the Southern District of New York, the Joint Plan and the Confirmation Order; and the Trustee having complied with the Procedures set forth in the Order, dated April 24, 2009 (Docket No. 459); and the Court otherwise being fully advised in the premises, it is hereby

FOUND AND DETERMINED THAT:

A. The Fifth Omnibus Objection is a core proceeding pursuant to 28 U.S.C. §157(b)(2).

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Reduced and Allowed Claims. Claim No. 408, filed by McCarthy, is hereby REDUCED and ALLOWED in the amount of \$7,984.59 as a priority claim (the "Priority Claim").

2. Aside from the Priority Claim, McCarthy hereby (a) releases, acquits and discharges the Debtors, the Liquidating Trust, the Liquidating Trustee (including its principals and agents), the Oversight Committee (as defined in the Trust Agreement for the EOS Airlines, Inc. Liquidating Trust), their respective retained professionals, and their respective successors and assigns, of and from any claims, damages, actions, suits, causes of action, rights, liens, demands, obligations and/or liabilities, and (b) releases, waives and agrees to the expunging of any claims filed by, or scheduled on behalf of, McCarthy.

3. The Claims Agent is hereby authorized and directed to make such revisions to the official Claims Register as are necessary to reflect the relief granted pursuant to this Order.

4. This Court shall retain jurisdiction with respect to any matters related to or arising from the implementation of this Order.

Agreed by:

**Cohen Tauber Spievack & Wagner P.C.    Mark S. McCarthy**  
*Counsel to the Liquidating Trustee for the    Pro Se*  
*EOS Airlines, Inc. Liquidating Trust*

By: /s/ Joseph M. Vann  
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By: /s/ Mark S. McCarthy  
Mark S. McCarthy

Dated: White Plains, New York  
July 8, 2010

/s/Robert D. Drain  
UNITED STATES BANKRUPTCY JUDGE