

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

In re:

EOS AIRLINES, INC.

Reorganized Debtor.

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Chapter 11

Case No. 08-22581 (RDD)

**ORDER GRANTING AND SUSTAINING SIXTH OMNIBUS OBJECTION TO CLAIMS  
PURSUANT TO 11 U.S.C. § 502(b)  
AND BANKRUPTCY RULE 3007 AND GRANTING RELATED RELIEF**

Upon the Sixth Omnibus Objection to Claims pursuant to 11 U.S.C. § 502(b) and Bankruptcy Rule 3007 (Docket No. 504) (the "Sixth 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<sup>1</sup> 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 having previously adjourned the hearing on these claims by Orders dated March 4, 2010 (Docket No. 535) and April 14, 2010 (Docket No. 551); and upon the record of the May 27, 2010 hearing on the Sixth Omnibus Objection; and the Court having been informed that certain of the Claims addressed by the Sixth Omnibus Objection have been consensually resolved and that the hearing would be adjourned as to certain other Claims; and the Court otherwise being fully advised in the premises, and due and sufficient cause appearing, it is hereby

**FOUND AND DETERMINED THAT:**

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



A. Each holder of a Claim listed on Exhibits A and B hereto (each such listed claim a "Disputed Claim") was properly and timely served with notice of the Sixth Omnibus Objection (Docket No. 505, Affidavit of Kurtzman Carson Consultants LLC)<sup>2</sup> and the hearing thereon.

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

NOW, THEREFORE, IT IS ORDERED THAT:

1. Claims to be Allowed. Pursuant to 11 U.S.C. § 502(d) and Fed. R. Bank. P. 3007, the Claims listed on Exhibit A shall survive and shall be ALLOWED according to the classification and amount set forth in Exhibit A hereto.

2. Adjourned Hearing (the "Hearing") to be held. The Hearing to consider the Sixth Omnibus Objection as to the Claims set forth on Exhibit B hereto is adjourned to August 10, 2010 at 10:00 a.m. for further consideration by this Court, unless otherwise noted. The Hearing shall be held at the United States Bankruptcy Court for the Southern District of New York, Hon. Charles L. Brieant Jr. Federal Building and Courthouse, 300 Quarropas Street, White Plains, NY 10601-4140. The Hearing shall not be an evidentiary Hearing. No appearances are required to be made by interested parties. The Trustee shall provide separate notice regarding any evidentiary Hearing scheduled as to any particular claim.

3. To the extent this Order affects a Claim or amount set forth in the Debtor's Schedules of Assets and Liabilities, as amended and filed with the Court (Docket Nos.

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<sup>2</sup> Pursuant to this Court's Order dated May 22, 2008 (Docket #136), all customer information including name and address has been kept confidential. All such claims are identified with a unique customer number beginning with "C."

140, 173) (the “Schedules”), the Schedules are hereby deemed modified to the extent necessary to conform to Exhibits A and B in respect to such Claims.

4. On or before the tenth (10<sup>th</sup>) day following entry of this Order, the Trustee shall serve, or cause to be served, notice of entry of this order with a copy of this Order and Exhibits upon all entities set forth on Exhibit A and Exhibit B hereto.

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

6. The Trustee’s objection to each Claim addressed in the Sixth Omnibus Objection constitutes a separate contested matter as contemplated by Fed. R. Bank. P. 9014.

7. This Order shall be deemed a separate order with respect to each Disputed Claim.

8. Any stay of this Order in respect of any Claim that is subject to this Order shall apply only to the contested matter which involves such Claim and shall not stay the applicability and/or finality of this Order with respect to any other Claims, contested matters, or relief granted herein, unless otherwise expressly ordered.

9. This Order is without prejudice to the Trustee’s right to amend, modify or supplement the Sixth Omnibus Objection, to object to any of the Claims listed on Exhibits A or B hereto on any grounds in future objections to Claims, to bring an action against any party identified on Exhibits A or B under Chapter 5 of Title 11 of the United States Code, or to object to any other Claims or interests filed in this Chapter 11 case.

10. This Court shall retain jurisdiction over the claimants whose Claims are subject to the Sixth Omnibus Objection with respect to any matters related to or arising from the Sixth Omnibus Objection or the implementation of this Order.

Dated: White Plains, New York  
June 14, 2010

/s/Robert D. Drain  
UNITED STATES BANKRUPTCY JUDGE

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

In re:

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Reorganized Debtor.

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8. Any stay of this Order in respect of any Claim that is subject to this Order shall apply only to the contested matter which involves such Claim and shall not stay the applicability and/or finality of this Order with respect to any other Claims, contested matters, or relief granted herein, unless otherwise expressly ordered.

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Dated: White Plains, New York  
June 14, 2010

/s/Robert D. Drain  
UNITED STATES BANKRUPTCY JUDGE

**EXHIBIT B**  
**HEARING ADJOURNED AS TO THE FOLLOWING CLAIMS**

Date Filed	Claim No.	Name	Claim Amount	Nature
8/26/08	755	ASAP Corporation a Washington Corporation	\$3,737,593.00	General Unsecured
7/8/08	311	Koninklijke Luchtvaart Maatschppij NV	\$253,750.00	General Unsecured
7/28/08	546	Phoenix Capital Partners LLC	\$1,202,747.07	General Unsecured
7/21/08	410	Sabre Inc	\$2,500,718.37	General Unsecured

**EXHIBIT A**  
**CLAIMS TO BE ALLOWED**

Date Filed	Claim No.	Name	Claim Amount	Nature as Filed	Amount Allowed as Priority Claim	Amount Allowed as Unsecured Claim
7/28/08	497	James Prebil	\$100,000.00	General Unsecured	\$0.00	\$50,000.00
6/4/08	111	C0159415	\$31,621.50	Priority	\$2,425.00	\$29,196.50