

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

In re

HELIOS AND MATHESON ANALYTICS
INC., *et al.*,¹

Debtors.

Chapter 7

Case Nos. 20-10242 (DSJ)
(Jointly Administered)

**ORDER GRANTING TRUSTEE’S OMNIBUS OBJECTION
TO CLAIMS FILED AGAINST MOVIEPASS, INC.**

Upon the Omnibus Objection (Doc. 157) (the “Objection”) of Alan Nisselson (the “Trustee”), trustee for the above-captioned jointly administered chapter 7 Debtors (“Debtors”), including Helios and Matheson Analytics Inc. (“HMNY”) and MoviePass, Inc. (“MoviePass”), pursuant to section 502 of title 11, United States Code, 11 U.S.C. §§ 101, et seq. (the “Bankruptcy Code”), and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”); and the Court having jurisdiction to consider the Objection and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* of the United States District Court for the Southern District of New York dated January 31, 2012 (Preska, C.J.); and consideration of the Objection and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(B); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Objection having been provided in accordance with Bankruptcy Rule 3007 as evidenced by the Affidavit of Service filed with the Court; and a hearing having been held on July 8, 2021 to consider the relief requested in the Objection (the “Hearing”); and upon the record of the

¹The Debtors in the jointly administered Chapter 7 cases, together with the last four digits of each Debtor’s federal tax identification number, are as follows: Helios and Matheson Analytics, Inc., a/k/a MovieFone (9913), Zone Technologies, Inc., a/k/a Red Zone, a/k/a Zone Intelligence, (5124), and MoviePass, Inc. (9893).



Hearing and all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED, that:

1. The Objection is granted as follows.
2. Each claim listed on Exhibit "1" attached is reclassified to third priority as a tardily filed claim pursuant to Bankruptcy Code §§ 502(b) and 726(a)(3), and Bankruptcy Rule 3007(d)(4).
3. Claim No. 111 is reclassified to third priority as a tardily filed claim pursuant to Bankruptcy Code §§ 502(b) and 726(a)(3), and Bankruptcy Rule 3007(d)(4).
4. Claim No. 116 is reclassified to third priority as a tardily filed claim pursuant to Bankruptcy Code §§ 502(b) and 726(a)(3), and Bankruptcy Rule 3007(d)(4).
5. With respect to Claim No. 82, the Trustee will provide supplemental notice to the email address portfolio@angel.com, and the claimant will have 14 days to respond to the Objection. If no response is received within 14 days, the Trustee's objection to Claim No. 82 will be approved as follows: Claim No. 82 is reclassified as an equity claim pursuant to Bankruptcy Code § 510(b) in the amount of \$423,980.00, and the remainder of the claim in the amount of \$52,271.60 is disallowed and expunged pursuant to Bankruptcy Rule 3007(d)(6).
6. Claim Nos. 100, 104, 105, 106, and 109 are disallowed and expunged pursuant to Bankruptcy Rule 3007(d)(5).
7. Claim No. 26 is disallowed and expunged pursuant to Bankruptcy Rule 3007(d)(1).
8. Claim No. 29 is disallowed and expunged pursuant to Bankruptcy Rule 3007(d)(6).

9. Except as otherwise specified above, nothing herein shall constitute an admission or finding concerning the validity or amount of any of the Claims.

10. The Trustee and the Clerk of the Court are authorized to take all actions necessary or appropriate to give effect to this Order.

11. This Court shall retain jurisdiction over the Trustee and the claimants whose claims are subject to the Objection with respect to any matters related to or arising from the Objection or the implementation of this Order.

Dated: New York, New York
July 16, 2021

s/ David S. Jones
Honorable David S. Jones
United States Bankruptcy Judge

EXHIBIT 1

**Claims Reclassified as Tardily Filed in MoviePass, Inc.
(filed after June 1, 2020 Claims Bar Date)**

Claim No.	Claimant Name	Date Filed	Asserted Claim Justification	Claim Amount
108	Eric Ichon	06/02/2020	Unsecured	\$119.47
113	Nancy Ball	06/04/2020	Unsecured	\$89.00
114	Arlene Smith	06/04/2020	Unsecured	\$80.00
115	Andrew Dowling	06/09/2020	Unsecured	\$119.40
117	Naomi Pennington	06/14/2020	Unsecured	\$199.00
118	Toan Tieu	06/16/2020	Unsecured	\$119.40
119	Michael Wortman	06/19/2020	Unsecured	\$100.00
120	Linda Wortman	06/19/2020	Unsecured	\$100.00
121	Richard Hawn	06/19/2020	Unsecured	\$119.00
124	Earlene & Bruce Bertrand	06/22/2020	Unsecured	\$83.40
125	Joshua Phillips	06/30/2020	Unsecured	\$119.40
127	Steven Fetter	07/15/2020	Unsecured	\$166.80
128	Hsiu-Ming Yang	07/17/2020	Unsecured	\$166.80
129	Kim McManus	07/16/2020	Unsecured	\$175.00
131	John M Robertson	08/19/2020	Unsecured	\$119.40
132	Victoria Calvo	08/19/2020	Unsecured	\$119.40
137	Michael He	10/27/2020	Unsecured	\$166.80