

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

EXTENDED STAY INC., et al.,

Debtors.

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Case No. 09-13764 (JLG)

Related ECF No's: 1553, 1989, 1995, 2006

Chapter 11

(Jointly Administered)

**ORDER GRANTING LITIGATION TRUSTEE'S
NINTH OMNIBUS OBJECTION TO CLAIMS
(Duplicate Claims filed by Robert Micklash)**

Upon the Successor Litigation Trustee's (the "Trustee") Ninth Omnibus Objection to Claims (Duplicate Claims filed by Robert Micklash) (the "Objection," Docket No. 1553), dated January 17, 2012, seeking to disallow and expunge certain claims filed by Robert Micklash, all as more fully set forth in the Objection; and this Court having jurisdiction to consider the Objection and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334 and the Standing Order of Referral of Cases to Bankruptcy Court Judges of the District Court for the Southern District of New York, dated July 19, 1984 (Ward, Acting C.J.); and consideration of the Objection and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(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 to (i) Robert Micklash, (ii) the United States Trustee for the Southern District of New York, (iii) counsel to Newco, (iv) counsel to the Debtors, and (v) those parties included on the latest master service list on file in these chapter 11 cases, and it appearing that no other or further notice need be provided; and a hearing having been scheduled on the Objection for July 25, 2023; and a **Certificate of No Objection having been filed on July 7, 2023**



(Docket No. 2006); [JLG] and the Court having determined that the relief sought in the Objection is in the best interests of the Plan Debtors, their estates, and their creditors; and the Court having determined that the legal and factual bases set forth in the Objection establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the Objection is granted; and it is further

ORDERED that each of the claims listed on Exhibit 1 attached hereto is hereby disallowed and expunged in its entirety; and it is further

ORDERED that the claims agent is authorized and directed, pursuant to this Order, to modify the official claims registry in these chapter 11 cases as necessary to implement the relief granted in this Order; and it is further

ORDERED that the Trustee's rights and defenses with respect to any claims filed by Robert Micklash, including those listed in Exhibit 1 attached hereto shall be preserved, including, but not limited to, the right to further object to the claims on any basis; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from the interpretation and/or implementation of this Order.

Dated: July 25, 2023
New York, New York

/s/ James L. Garrity, Jr.
Honorable James L. Garrity, Jr.
United States Bankruptcy Judge

EXHIBIT 1

Duplicate and/or Amended Claims to be Disallowed and Expunged in Their Entirety

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Surviving Claim	Objection Page Reference
1	Robert Micklash	966	ESA P Portfolio L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
2	Robert Micklash	970	Homestead Village L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
3	Robert Micklash	976	ESA P Portfolio MD Trust	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
4	Robert Micklash	984	ESA P Portfolio MD Beneficiary L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
5	Robert Micklash	997	ESH/Homestead Portfolio L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
6	Robert Micklash	999	ESH/Homestead Mezz 5 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
7	Robert Micklash	1006	ESA P Mezz 5 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
8	Robert Micklash	1007	ESA MD Properties Business Trust	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Surviving Claim	Objection Page Reference
9	Robert Micklash	1008	ESA 2005-San Jose L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
10	Robert Micklash	1009	ESA Canada Properties Trust	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
11	Robert Micklash	1010	ESA 2005-Waltham L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
12	Robert Micklash	1011	ESA Acquisition Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
13	Robert Micklash	1012	ESA MD Beneficiary L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
14	Robert Micklash	1013	ESA Canada Trustee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
15	Robert Micklash	1014	ESA Canada Beneficiary Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
16	Robert Micklash	1015	ESA Alaska L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
17	Robert Micklash	1017	ESA UD Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Surviving Claim	Objection Page Reference
18	Robert Micklash	1020	ESA 2005 Portfolio L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
19	Robert Micklash	1028	ESA Mezz 5 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
20	Robert Micklash	1030	ESA 2007 Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
21	Robert Micklash	1032	ESA Canada Properties Borrower L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
22	Robert Micklash	1037	ESH/HV Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
23	Robert Micklash	1040	ESA 2005 Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
24	Robert Micklash	1042	ESH/Homestead Mezz 6 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
25	Robert Micklash	1048	ESA Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
26	Robert Micklash	1061	ESH/Homestead Mezz L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Surviving Claim	Objection Page Reference
27	Robert Micklash	1063	ESA P Portfolio Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
28	Robert Micklash	1069	ESH/MSTX Property L.P.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
29	Robert Micklash	1073	ESA FL Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
30	Robert Micklash	1075	ESA MN Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
31	Robert Micklash	1079	ESA P Mezz 6 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
32	Robert Micklash	1080	ESH/TN Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
33	Robert Micklash	1088	ESA MD Borrower L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
34	Robert Micklash	1092	ESA Mezz 6 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
35	Robert Micklash	1093	ESA Business Trust	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Surviving Claim	Objection Page Reference
36	Robert Micklash	1100	ESA Management L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
37	Robert Micklash	1106	ESA P Portfolio Holdings L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
38	Robert Micklash	1109	ESH/Homestead Mezz 7 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
39	Robert Micklash	1114	ESH/TX Properties L.P.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
40	Robert Micklash	1116	ESA P Portfolio PA Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
41	Robert Micklash	1119	ESA Canada Operating Lessee Inc.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
42	Robert Micklash	1123	ESA P Portfolio MD Borrower L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
43	Robert Micklash	1127	ESA P Mezz 7 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
44	Robert Micklash	1134	ESA P Portfolio TXNC Properties L.P.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Surviving Claim	Objection Page Reference
45	Robert Micklash	1139	ESA Mezz 7 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
46	Robert Micklash	1143	ESA PA Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
47	Robert Micklash	1146	ESH/Homestead Mezz 8 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
48	Robert Micklash	1150	ESA P Mezz L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
49	Robert Micklash	1155	ESA P Mezz 8 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
50	Robert Micklash	1163	ESA Mezz L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
51	Robert Micklash	1165	ESA Properties L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
52	Robert Micklash	1166	ESA Mezz 8 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
53	Robert Micklash	1171	ESA TX Properties L.P.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Surviving Claim	Objection Page Reference
54	Robert Micklash	1174	ESH/Homestead Mezz 2 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
55	Robert Micklash	1179	ESA P Mezz 2 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
56	Robert Micklash	1182	ESH/Homestead Mezz 9 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
57	Robert Micklash	1188	ESA P Mezz 9 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
58	Robert Micklash	1190	ESA Mezz 2 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
59	Robert Micklash	1195	ESA Mezz 9 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
60	Robert Micklash	1197	ESH/Homestead Mezz 10 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
61	Robert Micklash	1205	ESA P Mezz 10 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
62	Robert Micklash	1207	ESH/Homestead Mezz 3 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7

No.	Claimant	Claim To Be Expunged	Debtor Name	Asserted Claim Amount	Nature of Asserted Claim	Basis for Objection	Surviving Claim	Objection Page Reference
63	Robert Micklash	1212	ESA P Mezz 3 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
64	Robert Micklash	1214	ESA Mezz 10 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
65	Robert Micklash	1220	ESA Mezz 3 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
66	Robert Micklash	1227	ESH/Homestead Mezz 4 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
67	Robert Micklash	1228	ESA P Mezz 4 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7
68	Robert Micklash	1235	ESA Mezz 4 L.L.C.	Unliquidated	General Unsecured	This claim is duplicative of claim number 1144	1144	pp. 1-7