

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

EOS AIRLINES, INC.

Debtor

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: CHAPTER 11

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: CASE NO. 08-22581 (ASH)

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**ORDER GRANTING FOURTH OMNIBUS OBJECTION TO CERTAIN
LATE FILED CLAIMS IDENTIFIED IN FOURTH OMNIBUS CLAIMS
OBJECTION PURSUANT TO 11 U.S.C. § 502(b) AND FED. R. BANKR. P. 3007**

Upon the Fourth Omnibus Objection to Certain Late Filed Claims Pursuant to 11 U.S.C. § 502(b) and Fed. R. Bankr. P. 3007, dated December 17, 2008 (the “Fourth Omnibus Claims Objection”), of Eos Airlines, Inc., debtor and debtor-in-possession in the above-captioned case (the “Debtor”); and after due deliberation thereon; and good and sufficient cause appearing therefor,

IT IS HEREBY FOUND AND DETERMINED THAT:¹

A. Each holder, the attorney of record for such holder, or the notice party indicated on a proof of claim asserting a claim (as to each, a “Late Claim”) listed on Exhibit A was properly and timely served with a copy of the Fourth Omnibus Claims Objection, a Notice of Objection To Claim, the proposed order, and a notice of the deadline for responding to the Fourth Omnibus Claims Objection.

B. The Court has jurisdiction over the Fourth Omnibus Claims Objection pursuant to 28 U.S.C. §§ 157 and 1334. The Fourth Omnibus Claims Objection is a core proceeding under

¹ Findings of fact shall be construed as conclusions of law and conclusions of law shall be construed as findings of fact when appropriate. See Fed. R. Bankr. P. 7052. Capitalized terms used and not otherwise defined herein shall have the meanings ascribed to them in the Fourth Omnibus Claims Objection.



28 U.S.C. § 157(b)(2). Venue of this case and the Fourth Omnibus Claims Objection in this district is proper under 28 U.S.C. §§ 1408 and 1409.

C. The Claims listed on Exhibit A hereto were not timely filed by the Bar Date or Supplemental Bar Date, as applicable.

D. The relief requested in the Fourth Omnibus Claims Objection is in the best interests of the Debtor, its estate, its creditors and other parties-in-interest.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Each Late Claim listed on Exhibit A hereto is hereby disallowed and expunged in its entirety. Those Claims identified in Exhibit A as “Scheduled Claims” shall remain on the claims register, but shall remain subject to future objection by the Debtor.

2. Entry of this order is without prejudice to the Debtor’s right to object to any other claims in this chapter 11 case, or to further object to claims objected to in the Fourth Omnibus Claims Objection, on any grounds whatsoever.

4. Nothing contained herein shall constitute, nor shall it be deemed to constitute, the allowance of any of the Scheduled Claims.

5. This Court shall retain jurisdiction over the Debtor and the holders of Claims subject to the Fourth Omnibus Claims Objection to hear and determine all matters arising from the implementation of this order.

6. Each Claim and the objections by the Debtor to each Claim as addressed in the Fourth Omnibus Claims Objection and as set forth on Exhibit A hereto constitutes a separate contested matter as contemplated by Fed. R. Bankr. P. 9014. This order shall be deemed a separate order with respect to each such Claim. Any stay of this order shall apply only to the

contested matter which involves such creditor and shall not act to stay the applicability or finality of this order with respect to the other contested matters covered hereby.

7. The requirement under Rule 9013-1(b) of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York for the service and filing of a separate memorandum of law is deemed satisfied by the Fourth Omnibus Claims Objection.

Dated: White Plains, New York
January 28, 2009

/s/ Adlai S. Hardin, Jr.
UNITED STATES BANKRUPTCY JUDGE

Exhibit A

Date Filed	Claim No.	Name	Claim Amount	Schedule Amount	Schedule
7/29/08	683	Arch Insurance Group Inc	UNLIQUIDATED		
7/31/08	739	Bex LLC	\$8,080.16	\$3,591.00	F
8/15/08	747	Burrelles Luce	\$1,141.82	\$1,142.00	F
7/31/08	723	C G Hibbert Limited	\$1,663.20	\$1,646.00	F
8/4/08	700	C01133431	UNLIQUIDATED	\$225.00	F
7/29/08	553	C01135866	\$4,174.60	\$225.00	F
8/6/08	735	C01140755	UNLIQUIDATED	\$600.00	F
7/30/08	680	C0143094	\$700.00		
7/31/08	568	C01626	\$2,800.00	\$675.00	F
7/31/08	722	Charles Jeffrey Nauman	\$1,108.12		
9/17/08	764	CIT TECHNOLOGY FINANCING SERVICES, INC	\$197,357.05	\$186,295.58	F (1)
8/11/08	741	EOS10018	\$4,280.00		
9/3/08	760	EOS10039	\$6,745.00	\$0.00	F
9/4/08	761	Godiva Chocolatier Inc	\$4,464.00		
8/15/08	746	JFK Office SuperMarket Inc	\$7,270.98	\$7,202.00	F
8/6/08	740	Nielsen Business Media	\$6,450.00		
9/15/08	763	Nielsen Business Media	\$26,718.00		
7/29/08	725	Paola Sanchez	\$4,000.00		E
8/1/08	719	Roberto Marmolejo Carrion	\$1,885.00		

7/29/08	749	Seal Dynamics LLC	\$1,800.00	\$1,800.00	F
8/6/08	737	Stansted Airport Limited	\$443,219.72		

(1) According to the *Response of CIT Technology Financing Services, Inc. to Debtor's Third Omnibus Objection to Certain (I) Duplicate and Amended Claims and (II) Equity Claims Pursuant to 11 U.S.C. § 502(b) and Fed. R. Bankr. P. 3007* filed before this Court on December 31, 2008 [Doc. 390], the scheduled claim of Microsoft Financing ("MSFT") and De Lage Landen Financial Service ("De Lage") was assigned to CIT Technology Financing Services, Inc. ("CIT"). The Debtor's right to object to any of the claims of MSFT, De Lage or CIT on any additional grounds or to amend its schedules as may prove necessary is hereby preserved.