

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

In re

LEHMAN BROTHERS INC.,

Debtor.

Case No. 08-01420 (SCC) SIPA

**CERTIFICATE OF NO OBJECTION UNDER 28 U.S.C. § 1746 REGARDING  
TRUSTEE'S OBJECTION TO THE GENERAL CREDITOR CLAIM FILED  
BY RICKY J. ABERNATHY (CLAIM NO. 1046)**

Pursuant to 28 U.S.C. § 1746, and in accordance with this Court's amended case management procedures set forth in the Amended Order Pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rules 1015(c) and 9007 Implementing Certain Notice and Case Management Procedures, entered on July 13, 2010 (ECF No. 3466) (the "Amended Case Management Order"), and the Order pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rules 3007 and 9019(b) for Approval of General Creditor Claim Objection Procedures, entered on November 15, 2012 (ECF No. 5441) (the "Claims Objection Procedures Order"), the undersigned hereby certifies as follows:

1. On December 19, 2014, the undersigned, on behalf of James W. Giddens (the "Trustee"), as Trustee for the SIPA liquidation of Lehman Brothers Inc., caused the Trustee's Objection to the General Creditor Claim Filed by Ricky J. Abernathy (Claim No. 1046) (ECF No. 10707) (the "Objection") to be filed with the United States Bankruptcy Court for the Southern District of New York.

2. In accordance with the Claims Objection Procedures Order, January 9, 2015 at 4:00 p.m. (Prevailing Eastern Time) was established as the deadline for parties to object or file a response to the Objection (the "Response Deadline"). The Amended Case Management Order

provides that pleadings may be granted without a hearing, provided that no objections have been filed prior to the relevant Response Deadline and the attorney for the entity who filed the pleading complies with the relevant procedural and notice requirements.

3. The Response Deadline has now passed and, to the best of my knowledge, no objection or other responsive pleading to the Objection has been filed with the Court on the docket of the above-referenced case in accordance with the procedures set forth in the Amended Case Management Order, nor has any objection or other responsive pleading with respect to the Objection been served on counsel to the Trustee to date.

4. Accordingly, for the reasons set forth in the Objection, the Trustee respectfully requests that the proposed Order annexed hereto as Exhibit A be entered in accordance with the procedures described in the Amended Case Management Order

Dated: New York, New York  
February 2, 2015

HUGHES HUBBARD & REED LLP

By: /s/ Jeffrey S. Margolin  
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Attorneys for James W. Giddens, Trustee for  
the SIPA Liquidation of Lehman Brothers  
Inc.

## **Exhibit A**

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

In re:

LEHMAN BROTHERS INC.,

Debtor.

Case No. 08-01420 (SCC) SIPA

**[PROPOSED] ORDER GRANTING THE TRUSTEE’S  
OBJECTION TO THE GENERAL CREDITOR CLAIM  
FILED BY RICKY J. ABERNATHY (CLAIM NO. 1046)**

Upon the objection to the general creditor claim filed by Ricky J. Abernathy (claim no. 1046), dated December 19, 2014 (the “Objection”),<sup>1</sup> of James W. Giddens (the “Trustee”), as trustee for the liquidation of Lehman Brothers Inc. (“LBI”) under the Securities Investor Protection Act of 1970, as amended, 15 U.S.C. §§ 78aaa *et seq.* (“SIPA”), seeking entry of an order, pursuant to section 502(b) of title 11 of the United States Code (the “Bankruptcy Code”), as made applicable to this proceeding pursuant to sections 78fff(b) and 78fff-1(a) of SIPA, and Rule 3007(d) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), disallowing and expunging claim no. 1046 filed by Ricky J. Abernathy (the “Claim”) on the grounds that LBI does not have any liability, in whole or in part, all as more fully described in the Objection; and due and proper notice of the Objection having been provided, and it appearing that no other or further notice need be provided; and the Court having found and determined that the relief sought in the Objection is in the best interests of LBI, its estate, its customers and creditors, and all parties in interest and that the legal and factual bases set forth in

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1. Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Objection.

the Objection establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED** that service of the Objection upon Mr. Abernathy via email is deemed to constitute sufficient notice;

**ORDERED** that the relief requested in the Objection is granted; and it is further

**ORDERED** that, pursuant to section 502(b) of the Bankruptcy Code, the Claim is disallowed and expunged in its entirety with prejudice; and it is further

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

Dated: New York, New York  
February \_\_, 2015

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UNITED STATES BANKRUPTCY JUDGE