

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: GRUPO AEROMEXICO, S.A.B. de C.V., et al., Debtors  
Chapter 11  
Case No. 20-11563 (SCC)  
(Jointly Administered)

In Response to the Eighteenth Omnibus Claims Objection to Proofs of Claim (Wrong Debtor, Incorrectly Classified, Foreign Currency, Amended and Duplication, and/or Reduced Claims) filed by Grupo Aeromexico, S.A.B. de C.V. and its affiliates that are debtors and debtors in possession in the above mentioned chapter 11 cases.

Please note that I have no legal background or training so I ask the court forgive any minor procedural mistakes.

I oppose the reclassification of my claim described in Schedule 4 to Proposed Order (Wrong Debtor and Incorrectly Classified Claims). The claim is identified by Ref "69", Claim Number "13386", Name of Claimant "Jubb IV, Elmer Charles", Address of Claimant "PO Box 170458, Brooklyn, NY 11217". The claim is in the amount of 259.86 USD.

The facts of the claim are as follows:

1. On 16 April 2020 a round trip ticket from Tijuana to Havana with fare basis RNNKUXPN was purchased directly from Aeromexico for the amount of 259.86 USD.
2. Fare basis RNNKUXPN permits cancellations at any time. A copy of the fare rules can be found in Exhibit B.
3. Aeromexico was contacted multiple times in January 2021 via both Messenger chat and email in an attempt to cancel the ticket and receive a full refund in accordance with the fare rules.
4. On January 2021, claim 13386 for the full amount of the ticket was filed, asserting priority status for the full amount in accordance with 11 USC §507(a)(7).

The basis for objecting to the claim are as follows:

1. From USC §507(a)(7): "Seventh, allowed unsecured claims of individuals, to the extent of \$3,025 for each such individual, arising from the deposit, before the commencement of the case, of money in connection with the purchase, lease, or rental of property, or the purchase of services, for the personal, family, or household use of such individuals, that were not delivered or provided".
2. This statute does not define "deposit" as it applies specifically to this section.
3. The flight was paid for in advance in connection with the purchases of service for personal use that were not delivered or provided.
4. Courts have contemplated similar claims in the past. In re Salazar, 430 F.3d 992, 994 (9th Cir. 2005) held that a deposit "may include the advance handing over of full payment for consumer goods or

services".

5. Even without noting the refundability of the purchased ticket, claim 13386 represents the advance payment for a consumer service.

Given the value of the claim and its nature as a deposit, the claim's full amount should remain classified as a Priority Claim.

Documentation showing multiple attempts at receiving a refund as well as proof of purchase were submitted with the original claim. Attached in Exhibit B is a copy of the fare rules that indicate the fully refundable nature of the ticket.

Attached in Exhibit A is a list of parties I am serving via email as instructed in the notice of hearing and objection (Docket 1594)

/s/ Elmer Charles Jubb IV

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Elmer Charles Jubb IV

Dated: 31 August 2021

Exhibit A: Parties Being Served via Email

On this date, 31 August 2021, I am serving via email the following parties, as instructed in the notice of hearing and objection:

Timothy Graulich <timothy.graulich@davispolk.com>  
Stephen D. Piraino <stephen.piraino@davispolk.com>  
Erik P. Jerrard <erik.jerrard@davispolk.com>  
Richard J. Steinberg <richard.steinberg@davispolk.com>

on behalf of

Davis Polk & Wardwell LLP  
450 Lexington Ave  
New York, NY 10017

Brett H. Miller <bmillier@wilkie.com>  
Todd M. Goren <tgoren@willkie.com>  
Craig Damast <cdamast@willkie.com>  
Debra M. Sinclair <dsinclair@willkie.com>

on behalf of

Willkie Farr & Gallagher LLP  
787 Seventh Ave  
New York, NY 10019

Exhibit B: Fare Rules for RNNKUXPN

RNNKUXPN

NOTE - THE FOLLOWING TEXT IS INFORMATIONAL AND NOT  
VALIDATED FOR AUTOPRICING.

PREMIER FARES

APPLICATION

CLASS OF SERVICE

THESE FARES APPLY FOR BUSINESS CLASS SERVICE.

TYPES OF TRANSPORTATION

THIS RULE GOVERNS ONE-WAY AND ROUND-TRIP FARES.

FARES GOVERNED BY THIS RULE CAN BE USED TO CREATE

ONE-WAY/ROUND-TRIP/CIRCLE-TRIP/OPEN-JAW JOURNEYS.

THESE FARES MAY BE USED FOR GROUP INCLUSIVE TOURS.

CAPACITY LIMITATIONS

THE CARRIER SHALL LIMIT THE NUMBER OF PASSENGERS

CARRIED ON ANY ONE FLIGHT AT FARES GOVERNED BY

THIS RULE AND SUCH FARES WILL NOT NECESSARILY BE

AVAILABLE ON ALL FLIGHTS. THE NUMBER OF SEATS,

WHICH THE CARRIER SHALL MAKE AVAILABLE ON A GIVEN

FLIGHT, WILL BE DETERMINED BY THE CARRIER'S BEST

JUDGEMENT.

UPGRADES TO BUSINESS CABIN ARE NOT ALLOWED WITH

FARES BOOKED IN V CLASS.

OTHER CONDITIONS

PASSENGER EXPENSES NOT PERMITTED

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FULL AND SEQUENTIAL USE OF FLIGHT COUPONS-

THE TICKET /OR ELECTRONIC TICKET/ IS NOT VALID IF

THE FIRST COUPON HAS NOT BEEN USED AND WILL NOT

BE HONORED IF ALL THE COUPONS ARE NOT USED IN THE

SEQUENCE PROVIDED IN THE TICKET /OR ELECTRONIC

TICKET/.

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FARES ONLY APPLY IF PURCHASED BEFORE DEPARTURE.

EXCEPTION-

MAY BE USED FOR EN-ROUTE UPGRADING FROM A LOWER

FARE PROVIDED ALL CONDITIONS OF THESE FARES ARE

MET.

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FARES/RULES/REGULATIONS AND CONDITIONS OF CARRIAGE

ARE SUBJECT TO CHANGE WITHOUT NOTICE - PROVIDED

THAT NO SUCH CHANGE SHALL APPLY TO A CONTRACT OF

CARRIAGE AFTER THE CARRIAGE HAS COMMENCED.

\_ NO ELIGIBILITY REQUIREMENTS APPLY.

\_ NO DAY/TIME TRAVEL RESTRICTIONS APPLY.

\_ NO SEASONAL TRAVEL RESTRICTIONS APPLY.

\_ THE FARE COMPONENT MUST BE ON

ONE OR MORE OF THE FOLLOWING

ANY AM FLIGHT OPERATED BY AM.

\_ CONFIRMED RESERVATIONS FOR ALL SECTORS ARE REQUIRED AT  
LEAST 14 DAYS BEFORE DEPARTURE.

WAITLIST NOT PERMITTED.

TICKETING MUST BE COMPLETED WITHIN 3 DAYS AFTER  
RESERVATIONS ARE MADE OR AT LEAST 14 DAYS BEFORE  
DEPARTURE WHICHEVER IS EARLIER.

NOTE - TEXT BELOW NOT VALIDATED FOR AUTOPRICING.

GROUP RESERVATIONS ARE NOT PERMITTED.

\_ TRAVEL FROM LAST STOPOVER MUST COMMENCE NO EARLIER  
THAN 3 DAYS AFTER DEPARTURE FROM FARE ORIGIN.

\_ TRAVEL FROM LAST STOPOVER MUST COMMENCE NO LATER THAN  
6 MONTHS AFTER DEPARTURE FROM FARE ORIGIN.

\_ UNLIMITED FREE STOPOVERS PERMITTED ON THE PRICING  
UNIT.

\_ UNLIMITED TRANSFERS PERMITTED. - SURFACE AT FARE BREAK  
AND EMBEDDED SECTORS PERMITTED EXCEPT FOR PRICING UNITS  
WITHIN/BETWEEN US AND CANADA - INCLUDING PR/USV1 -  
SURFACE AT FARE BREAK IS NOT PERMITTED.

\_ DOUBLE OPEN JAWS NOT PERMITTED.

END-ON-END

END-ON-END COMBINATIONS PERMITTED. VALIDATE ALL FARE  
COMPONENTS. SIDE TRIPS PERMITTED WITH NO  
RESTRICTIONS. FARES MUST BE SHOWN SEPARATELY ON THE  
TICKET. TRAVEL MUST BE VIA THE POINT OF COMBINATION.

PROVIDED -

COMBINATIONS ARE FOR CARRIER AM IN ANY RULE IN ANY  
TARIFF.

OPEN JAWS/ROUND TRIPS/CIRCLE TRIPS

FARES MAY BE COMBINED ON A HALF ROUND TRIP BASIS

-TO FORM SINGLE OPEN JAWS

A MAXIMUM OF TWO INTERNATIONAL FARE COMPONENTS  
PERMITTED. MILEAGE OF THE OPEN SEGMENT MUST BE EQUAL/  
LESS THAN MILEAGE OF THE SHORTEST FLOWN FARE  
COMPONENT.

-TO FORM ROUND TRIPS/CIRCLE TRIPS.

PROVIDED -

COMBINATIONS ARE WITH ANY FARE FOR CARRIER AM IN  
ANY RULE AND TARIFF.

\_ NO BLACKOUT DATES APPLY.

\_ THERE IS NO FUEL SURCHARGE PER DIRECTION PER ANY  
PASSENGER.

NOTE - TEXT BELOW NOT VALIDATED FOR AUTOPRICING.

ALL AM TICKETS ARE ISSUED AS ELECTRONIC TICKETS

-ETKT- AM WILL APPLY A USD100 FEE FOR EACH  
REQUESTED PAPER TICKET.

PAPER TICKETS ARE NOT ELEGIBLE FOR FAST PATH  
EXCHANGES THEY MAY BE EXCHANGED VIA STANDARD PATH.

\_ ACCOMPANIED TRAVEL NOT REQUIRED.

\_ ALL TRAVEL MUST BE COMPLETED BY MIDNIGHT ON 28FEB21.

\_ FOOTNOTE RULE

TICKETS MUST BE ISSUED ON/BEFORE 30APR20.

GENERAL RULE - APPLY UNLESS OTHERWISE SPECIFIED  
TICKETS MAY NOT BE SOLD IN VENEZUELA/INDIA.  
TICKETS MAY ONLY BE SOLD IN AREA 1/AREA 2/AREA 3.  
NOTE - TEXT BELOW NOT VALIDATED FOR AUTOPRICING.  
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TICKETS MAY NOT BE SOLD IN VENEZUELA/INDIA  
A USD 1000.00 PENALTY APPLIES IF SOLD  
IN VENEZUELA/INDIA.

\_ CANCELLATIONS

ANY TIME  
CANCELLATIONS PERMITTED.

CHANGES

ANY TIME  
CHANGES PERMITTED.

NOTE - TEXT BELOW NOT VALIDATED FOR AUTOPRICING.  
UPGRADES TO BUSINESS CABIN ARE NOT ALLOWED WITH  
FARES BOOKED IN V CLASS.

\_ NO HIP OR MILEAGE EXCEPTIONS APPLY.  
\_ THE ORIGINAL AND THE REISSUED TICKET MUST BE ANNOTATED  
- NONEND - AND - REF/CHG/CXL FREE OF CHARGE - IN THE  
ENDORSEMENT BOX.

\_ CNN/ACCOMPANIED CHILD PSGR 2-11 - CHARGE 75 PERCENT OF  
THE FARE.

TICKET DESIGNATOR - CH AND PERCENT APPLIED.  
MUST BE ACCOMPANIED ON ALL FLIGHTS IN THE SAME  
COMPARTMENT BY ADULT PSGR 12 OR OLDER.  
OR - INS/INFANT WITH A SEAT PSGR UNDER 2 - CHARGE 75  
PERCENT OF THE FARE.

TICKET DESIGNATOR - CH AND PERCENT APPLIED.  
MUST BE ACCOMPANIED ON ALL FLIGHTS IN THE SAME  
COMPARTMENT BY ADULT PSGR 12 OR OLDER.  
OR - INF/INFANT WITHOUT A SEAT PSGR UNDER 2 - CHARGE 10  
PERCENT OF THE FARE.

TICKET DESIGNATOR - IN AND PERCENT APPLIED.  
MUST BE ACCOMPANIED ON ALL FLIGHTS IN THE SAME  
COMPARTMENT BY ADULT PSGR 12 OR OLDER.  
OR - UNN/UNACCOMPANIED CHILD PSGR 5-11 - CHARGE 100  
PERCENT OF THE FARE.

TICKET DESIGNATOR - CH AND PERCENT APPLIED.  
NOTE - TEXT BELOW NOT VALIDATED FOR AUTOPRICING.  
CHILDREN UNDER 5 YEARS OF AGE WILL NOT BE ACCEPTED  
FOR UNACCOMPANIED CARRIAGE.

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IN ADDITION TO THE ABOVE CHARGES THERE WILL BE A CHARGE OF USD 100 APPLICABLE TO EACH UNACCOMPANIED CHILD 5 THROUGH 11 YEARS OF AGE FOR EXTRA HANDLING SERVICES FOR EACH ONE WAY JOURNEY.

WHEN REQUESTED EXTRA HANDLING SERVICES WILL BE PROVIDED FOR UNACCOMPANIED CHILDREN 12 THROUGH 17 YEARS OF AGE FOR A CHARGE OF USD 100.

UNACCOMPANIED CHILDREN WILL BE ACCEPTED ON DIRECT SERVICES OR ON CONECTING SERVICES PROVIDED TRANSFER IS MADE WITHIN THE SAME AIRPORT AND SAME AIRLINE.

\_ NO DISCOUNTS FOR TOUR CONDUCTORS.

\_ NO DISCOUNTS FOR SALE AGENTS.

\_ SRC/SENIOR CITIZEN PSGR 60 OR OLDER. ID REQUIRED - CHARGE 85 PERCENT OF THE FARE.

TICKETING CODE - BASE FARE CODE PLUS CD.

NOTE - TEXT BELOW NOT VALIDATED FOR AUTOPRICING.

PROOF OF AGE MUST BE PRESENTED AT TIME OF TICKETING AND DURING TRAVEL.

ALL TRAVEL MUST BE VIA AM SERVICES.

THE TICKET MUST BE ANNOTATED NON-END IN THE ENDORSEMENT BOX.

\_ THIS FARE MUST NOT BE USED AS THROUGH FARE WITH A DIFFERENTIAL AND/OR TO CALCULATE DIFFERENTIAL.

\_ NOT APPLICABLE.

\_ NO GROUP PROVISIONS APPLY.

\_ NO TOUR PROVISIONS APPLY.

\_ NO VISIT ANOTHER COUNTRY PROVISIONS APPLY.

\_ NO DEPOSIT PROVISIONS APPLY.

\_ ENTER RD\*31 OR RDÂLINE NUMÂ\*31 FOR VOLUNTARY CHGS.

\_ CHECK CATEGORY 16 OR CONTACT CARRIER FOR DETAILS.

\_ NOT APPLICABLE.

\_ NOT A CONSTRUCTED FARE