

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

Bky. Case No. 02-40303-NCD

Sun Country Airlines, Inc.

Chapter 7

Debtor.

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Timothy D. Moratzka, Trustee for  
the Bankruptcy Estate of Sun Country Airlines, Inc.

Adv. No. \_\_\_\_\_

Plaintiff,

v.

**COMPLAINT**

Sabre, Inc., 7285 Collection Drive,  
Chicago, IL, 60693; Sabre Travel Information  
Travel Network, S.T.I.N. Finance, P O Box 619615-MD-3360,  
DFW Airport, Dallas, TX, 75261-9615; and Sabre Holdings  
Corporation, The Corporation Trust Center, 1209 Orange Street,  
Wilmington, DE, 19801.

Defendant.

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Timothy D. Moratzka, Trustee for the above Bankruptcy Estate of Debtor ("Trustee") for his cause of action against the above-captioned Defendant states and alleges as follows:

**JURISDICTION**

1. This is an adversary proceeding brought pursuant to Bankruptcy Rule 7001, U.S.C. §§ 547 and 550 and Local Rule 7000 *et seq.* The Court has jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding.

**PARTIES**

2. On January 8, 2002, Debtor filed a voluntary petition under Chapter 11 of Title 11 of

the United States Code. The case was converted to one under Chapter 7 on June 7, 2002. Trustee is the duly qualified and appointed trustee of the bankruptcy estate of Debtor.

**AVOIDABLE TRANSFER - PREFERENCE - PAYMENT TO DEFENDANT**

3. Plaintiff realleges paragraphs 1 through 2 as if fully set forth herein.
4. Within 90 days prior to the filing of the bankruptcy petition, according to the books and records and schedules of Debtor, the Debtor transferred to Defendant the sum of \$556,489.39 ("Payment") as payment for services. The Payment was a transfer of property of the Debtor.
  5. According to the Schedules of Debtor, Defendant was a creditor of Debtor at the time of the bankruptcy.
  6. The Payment was made for or on account of an antecedent debt owed by Debtor before such payment was made.
  7. The Payment was made while Debtor was insolvent.
  8. The Payment enabled Defendant to receive more than Defendant would have received if the Payment had not been made and if Defendant received payment of such debt to the extent provided by Chapter 7 of the Bankruptcy Code.
  9. The Payment constitutes a preferential transfer within the meaning of 11 U.S.C. § 547(b).
  10. Trustee is entitled to recover the Payment from Defendant pursuant to 11 U.S.C. § 550.

**WHEREFORE**, Trustee requests judgment ordering that:

1. Defendant return the Payment totaling \$556,489.39 as a preferential transfer pursuant to 11 U.S.C. § 547 and recoverable by Trustee pursuant to 11 U.S.C. § 550.
2. In the alternative, that Trustee be granted judgment against Defendant in the amount of

\$556,489.39.

3. For Trustee's attorneys' fees, costs, interest and any such other and further relief as the Court deems just and equitable.

Dated: December 17, 2003

MACKALL, CROUNSE & MOORE

By /e/Patrick C. Summers

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ATTORNEYS FOR PLAINTIFF/TRUSTEE

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