

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

Swain

Lehrburger

PLAINTIFFS
USAV Secured Lender Group (Creditor and Appellant), as set forth on Schedule A hereto.

DEFENDANTS
Avianca Holdings S.A., et al. (Debtors and Appellees), as set forth on Schedule A hereto.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
See attached Schedule A.

ATTORNEYS (IF KNOWN)
See attached Schedule A.

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Appeal from bankruptcy court order entered September 4, 2020 authorizing rejection of certain contracts.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE? No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL	[] 625 DRUG RELATED	<input checked="" type="checkbox"/> 422 APPEAL	[] 375 FALSE CLA MS
[] 120 MAR NE	[] 315 AIRPLANE PRODUCT	NJURY/PRODUCT LIABILITY	[] SEIZURE OF PROPERTY	28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	LIAB LITY	[] 365 PERSONAL INJURY	21 USC 881	[] 423 WITHDRAWAL	[] 400 STATE
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	[] 690 OTHER	28 USC 157	REAPPORTIONMENT
INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL			[] 410 ANITRUST
[] 150 RECOVERY OF	[] 330 FEDERAL	NJURY PRODUCT			[] 430 BANKS & BANKING
OVERPAYMENT &	EMPLOYERS'	LIAB LITY	PROPERTY RIGHTS		[] 450 COMMERCE
ENFORCEMENT	LIAB LITY		[] 820 COPYRIGHTS		[] 460 DEPORTATION
OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	[] 830 PATENT		[] 470 RACKETEER INFLU-
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT	[] 370 OTHER FRAUD	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		ENCED & CORRUPT
[] 152 RECOVERY OF	LIAB LITY	[] 371 TRUTH IN LENDING	[] 840 TRADEMARK		ORGANIZATION ACT
DEFAULTED	[] 350 MOTOR VEHICLE			SOCIAL SECURITY	[] 480 CONSUMER CREDIT
STUDENT LOANS	[] 355 MOTOR VEHICLE				[] 490 CABLE/SATELLITE TV
(EXCL VETERANS)	PRODUCT LIABILITY				
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	[] 380 OTHER PERSONAL	LABOR	[] 861 HIA (1395ff)	[] 850 SECURITIES/
OVERPAYMENT	NJURY	PROPERTY DAMAGE	[] 710 FA R LABOR	[] 862 BLACK LUNG (923)	COMMODIT ES/
OF VETERAN'S	[] 362 PERSONAL INJURY -	[] 385 PROPERTY DAMAGE	STANDARDS ACT	[] 863 DIWC/DIWW (405(g))	EXCHANGE
BENEFITS	MED MALPRACTICE	PRODUCT LIABILITY	[] 720 LABOR/MGMT	[] 864 SSID TITLE XVI	
[] 160 STOCKHOLDERS			RELATIONS	[] 865 RSI (405(g))	[] 890 OTHER STATUTORY
SUITS		PRISONER PETITIONS	[] 740 RAILWAY LABOR ACT		ACTIONS
[] 190 OTHER		[] 463 AL EN DETAINEE	[] 751 FAMILY MEDICAL	FEDERAL TAX SUITS	[] 891 AGRICULTURAL ACTS
CONTRACT	ACTIONS UNDER STATUTES	[] 510 MOTIONS TO	LEAVE ACT (FMLA)	[] 870 TAXES (U.S. Plaintiff or	
[] 195 CONTRACT	CIVIL RIGHTS	VACATE SENTENCE		Defendant)	[] 893 ENVIRONMENTAL
PRODUCT	[] 440 OTHER CIVIL RIGHTS	28 USC 2255	[] 790 OTHER LABOR	[] 871 IRS-THIRD PARTY	MATTERS
LIABILITY	(Non-Prisoner)	[] 530 HABEAS CORPUS	LITIGATION	26 USC 7609	[] 895 FREEDOM OF
[] 196 FRANCHISE	[] 441 VOTING	[] 535 DEATH PENALTY	[] 791 EMPL RET NC		INFORMATION ACT
	[] 442 EMPLOYMENT	[] 540 MANDAMUS & OTHER	SECURITY ACT (ERISA)		[] 896 ARBITRATION
	[] 443 HOUSING/				[] 899 ADMINISTRATIVE
REAL PROPERTY	ACCOMMODATIONS	PRISONER CIVIL RIGHTS	IMMIGRATION		PROCEDURE ACT/REVIEW OR
[] 210 LAND	[] 445 AMERICANS WITH	[] 550 CIV L RIGHTS	[] 462 NATURALIZATION		APPEAL OF AGENCY DECISION
CONDEMNATION	DISAB LITIES -	[] 555 PRISON CONDITION	APPLICATION		[] 950 CONSTITUTIONALITY OF
[] 220 FORECLOSURE	EMPLOYMENT	[] 560 CIV L DETAINEE	[] 465 OTHER MMIGRATION		STATE STATUTES
[] 230 RENT LEASE &	[] 446 AMERICANS WITH	CONDITIONS OF CONFINEMENT	ACTIONS		
EJECTMENT	DISAB LITIES -OTHER				
[] 240 TORTS TO LAND	[] 448 EDUCATION				
[] 245 TORT PRODUCT					
LIABILITY					
[] 290 ALL OTHER					
REAL PROPERTY					

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form JH-32).



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(PLACE AN *x* IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from (Specify District)
- 6 Multidistrict Litigation (Transferred)
- 7 Appeal to District Judge from Magistrate Judge
- a. all parties represented
- b. At least one party is pro se.
- 8 Multidistrict Litigation (Direct File)

(PLACE AN *x* IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- 1 U.S. PLAINTIFF
 - 2 U.S. DEFENDANT
 - 3 FEDERAL QUESTION
 - 4 DIVERSITY
- (U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF	DEF	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF	DEF	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF	DEF
	[]	[]		[]	[]		[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]
	2	2		4	4		6	6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

USAV Secured Lender Group
 c/o White & Case LLP
 See Schedule A for addresses and telephone numbers.

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Avianca Holdings S.A., et al.
 c/o Milbank LLP
 See Schedule A for addresses and telephone numbers.

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE 9/18/2020 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT # /s/ Glenn M. Kurtz

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
 YES (DATE ADMITTED Mo. 11 Yr. 1991)
 Attorney Bar Code # GK6272

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

SCHEDULE A

APPELLANT	APPELLANT'S ATTORNEYS
<p>USAV Secured Lender Group, Creditor, composed of the following members:</p> <p>Deutsche Bank AG, London Branch Bank United N.A. Banco de Credito del Peru, Miami Agency First Citizens Bank Limited Metrobank S.A. Prival Bank S.A. Moneda Latinoamerica Deuda Local Fondo de Inversion Moneda Deuda Latinoamericana Fondo de Inversion</p>	<p>Glenn M. Kurtz, Esq. Scott Greissman, Esq. Joshua D. Weedman, Esq. Mark Franke, Esq. Brandon D. Batzel, Esq. WHITE & CASE LLP 1221 Avenue of the Americas New York, NY 10020 Telephone: (212) 819-8200</p>

APPELLEES	APPELLEES' ATTORNEYS
<p>Debtors, composed of the following:</p> <p>Avianca Holdings S.A. Aero Transporte de Carga Unión, S.A. de C.V. Aeroinversiones de Honduras, S.A. Aerovias del Continente Americano S.A. Avianca Airlease Holdings One Ltd. Avianca Costa Rica S.A. Avianca, Inc. Avianca Leasing, LLC Avianca Perú S.A. Avianca-Ecuador S.A. Aviateca, S.A. Avifreight Holding Mexico, S.A.P.I. de C.V. Grupo Taca Holdings Limited International Trade Marks Agency Inc. Inversiones del Caribe, S.A. Isleña de Inversiones, S.A. de C.V. Latin Airways Corp. Latin Logistics, LLC Regional Express Américas S.A.S. Ronair N.V. Taca de Honduras, S.A. de C.V. Taca International Airlines S.A. Taca S.A. Tampa Cargo S.A.S. AV International Holdco S.A. AV International Holdings S.A. AV International Investments S.A. AV International Ventures S.A.</p>	<p>Dennis F. Dunne, Esq. Evan R. Fleck, Esq. MILBANK LLP 55 Hudson Yards New York, NY 10001 Telephone: (212) 530-5000</p> <p>-and-</p> <p>Gregory Bray, Esq. MILBANK LLP 2029 Century Park East 33rd Floor Los Angeles, CA 90067 Telephone: (424) 386-4000</p> <p>-and-</p> <p>Andrew M. Leblanc, Esq. Aaron L. Renenger, Esq. MILBANK LLP 1850 K Street NW Suite 1100 Washington, D.C. 20006 Telephone: (202) 835-7500</p>

AV Investments One Colombia S.A.S. AV Investments Two Colombia S.A.S. AV Taca International Holdco S.A. Servicios Aeroportuarios Integrados SAI S.A.S.	
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OTHER PARTIES	OTHER PARTIES' ATTORNEYS
Official Committee of Unsecured Creditors	Brett H. Miller, Esq. Todd M. Goren, Esq. Erica J. Richards, Esq. Benjamin W. Butterfield, Esq. MORRISON & FOERSTER LLP 250 West 55th Street New York, New York 10019 Telephone: (212) 468-8000
USAVflow Limited	Sheron Korpus, Esq. David S. Rosner, Esq. David J. Mark, Esq. KASOWITZ BENSON TORRES LLP 1633 Broadway New York, NY 10019 Telephone: (212) 506-1700