

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USAVFLOW LIMITED,

Appellant,

-against-

AVIANCA HOLDINGS S.A., *et al.*,

Appellee.

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) Case No. 1:20-cv-08364 (LTS)
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**APPELLANT USAVFLOW LIMITED’S JOINDER TO THE
EMERGENCY MOTION FOR STAY PENDING APPEAL,
OR IN THE ALTERNATIVE TO EXPEDITE
APPEALS, AND REQUEST TO CONSOLIDATE APPEALS**

USAVflow Limited (“USAV”), appellant in the above-captioned case, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure and Rules 8003 and 8013 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), hereby submits this joinder (the “Joinder”) to the USAV Secured Lender Group’s¹ *Notice of Emergency Motion for Stay Pending Appeal, or in the Alternative Expedite the Appeals, and Request to Consolidate Appeals* [ECF 5] (the “Motion”) and memorandum of law in support of the Motion [ECF 6] (the “Memorandum”) in Case No. 1:20-cv-08008 (LTS), seeking (i) a stay pending appeal, or in the alternative, to expedite pending appeals, and (ii) to consolidate the appeals of USAV, Case No. 1:20-cv-08364 (LTS), and the USAV Secured Lender Group, Case No. 1:20-cv-08008 (LTS), (together, the “USAV Appeals”) of the so ordered *Memorandum Opinion Granting in Part and Denying in Part Debtors’ Motion to Reject the USAV Agreements* (the “Order”) entered by the United States Bankruptcy Court for the Southern District of New York (Glenn, J.) in the jointly administered chapter 11 cases of Avianca Holdings S.A. on September 4, 2020, [Case No. 20-11133 (MG), ECF 850] insofar as the Order

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



granted in part *Debtors' Motion for Entry of an Order Authorizing Rejection of Certain Executory Contracts*. USAV joins in the Motion and in the Memorandum's arguments and respectfully requests that any relief afforded to the USAV Secured Lender Group pursuant to the Motion also be granted to USAV.

As provided in the Statement of Relatedness dated October 7, 2020 in the above-captioned case, both USAV and the USAV Secured Lender Group are appealing the same aspects of the Order, and their appeals focus on identical issues. As such, USAV supports a stay of the Order for the same reasons set forth in the Memorandum. Furthermore, the consolidation of the USAV Appeals is warranted by Bankruptcy Rule 8003(b)(2), which provides, "[w]hen parties have separately filed timely notices of appeal, the district court...may join or consolidate the appeals." Fed. R. Bankr. P. 8003(b)(2); *see also Long Island Lighting Co. v. Great Atl. & Pac. Tea Co. (In re Great Atl. & Pac. Tea Co.)*, No. 11-CV-1338 (CS), 2011 U.S. Dist. LEXIS 131621, at *1 & n. 1 (S.D.N.Y. Nov. 14, 2011) (consolidating appeals of same order by multiple appellants). If the Motion is granted, USAV will coordinate with the USAV Secured Lender Group to avoid duplicative pleadings and argument.

Dated: October 14, 2020
New York, New York

/s/ David J. Mark

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