

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

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IN RE

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

Civil Case No. 21-10004 (AJN)

Appeal arising from
Bankruptcy Case No. 20-11133 (MG)

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BLAKE W. KIM ROLLOVER IRA, *et al.*,
Appellants,

v.

AVIANCA HOLDINGS S.A., *et al.*,
Appellees.
-----X

[PROPOSED] AGREED SCHEDULING ORDER

Appellee Avianca Holdings S.A. and its debtor affiliates (the “Appellees”), together with appellants Udi Baruch Guindi, David Baruch, Soshana Baruch, Habib Mann, Golan LP, and Isaak Baruch (collectively, the “Baruch Appellants”), and appellants Blake W. Kim Rollover IRA, Burlingame Investment Partners, LP, William B. Meier IRA, David M. Kang SEP IRA, and Im Jo Degerman Rollover IRA (collectively, the “Burlingame Appellants,” and together with the Baruch Appellants, the “Appellants”) have conferred and hereby agree and request the Court order as follows:



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1. In accordance with the Court's order dated December 13, 2021 [ECF No. 6],¹ the Appellees and the Appellants have conferred and have agreed to the following unified briefing schedule for Civil Case Nos. 21-10004-AJN and 21-10118-AJN:

- a. Appellees may file a motion to dismiss the appeals as equitably moot, along with an accompanying memorandum of law (not to exceed 25 pages) (together, the "Motion to Dismiss"), no later than seven (7) days after the docketing of notice that the record on appeal has been transmitted to the Court or is available electronically;
 - i. Appellants may file responses to the Motion to Dismiss (each not to exceed 25 pages) within 21 days after the filing of the Motion to Dismiss;
 - ii. Appellees may file a reply brief (not to exceed 10 pages) within seven (7) days after the earlier of (A) the date on which the later of Appellants' responses is filed or (B) the deadline by which Appellants are to file responses;
- b. Appellants shall file opening briefs (each not to exceed 30 pages) within 30 days after the docketing of notice that the record on appeal has been transmitted to the Court or is available electronically;
 - i. Appellees shall file a consolidated opposition brief (not to exceed 45 pages) within 30 days after the earlier of (A) the date on which the later of Appellants' opening briefs is filed or (B) the deadline by which Appellants are to file their opening briefs; and
 - ii. Appellants shall file reply briefs (each not to exceed 15 pages) within 14 days after the filing of Appellees' consolidated opposition brief.

¹ All docket citations herein shall be for the electronic case filing system of case no. 21-10118-AJN.

The parties have further conferred and agree to allow the Baruch Appellants to file an amended opening brief in the time period provided herein. If the Baruch Appellants do not file an amended opening brief, the Baruch Appellants' opening brief filed on November 30, 2021 [ECF No. 4] shall be deemed, for the purposes of the scheduling herein, to have been filed on the date the Burlingame Appellants' opening brief is filed.

New York, New York
December 16, 2021

Respectfully submitted,

/s/ Blake W. Kim

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SO ORDERED.

HONORABLE ALISON J. NATHAN
U.S. DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF NEW YORK