

Nos. 1:21-cv-10004-AJN, 1:21-cv-10118-AJN

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

In re Avianca Holdings S.A., *et al.*,

Debtors and Reorganized Debtors.

Blake W. Kim Rollover IRA, *et al.*,
Udi Baruch Guindi, *et al.*,

Appellants,

v.

Avianca Holdings S.A., *et al.*,

Appellees.

ON APPEAL FROM THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
CHAPTER 11 CASE NO. 20-11133 (MG)

**APPELLEES' MOTION
TO DISMISS APPEALS AS EQUITABLY MOOT**

Dennis F. Dunne
Evan R. Fleck
Benjamin Schak
Milbank LLP
55 Hudson Yards
New York, NY 10001
Telephone: (212) 530-5000

Gregory A. Bray
Milbank LLP
2029 Century Park East
33rd Floor
Los Angeles, CA 90067
Telephone: (424) 386-4000

Aaron L. Renenger*
Milbank LLP
1850 K Street NW
Suite 1100
Washington, D.C. 20006
Telephone: (202) 835-7500
**pro hac vice motion pending*

Counsel for Appellees



201113322011800000000005

The above-captioned Appellees hereby move this Court (the “Motion”) to dismiss the above-captioned appeals (the “Appeals”) as equitably moot. In support of the Motion, the Appellees rely upon the accompanying (i) Memorandum of Law in Support of Appellees’ Motion to Dismiss Appeals as Equitably Moot and attachments thereto, and (ii) Declaration of Richard Galindo in Support of Appellees’ Motion to Dismiss Appeals as Equitably Moot, each filed contemporaneously herewith.

WHEREFORE, the Appellees respectfully request that the Court (i) grant their Motion; (ii) dismiss the Appeals with prejudice as equitably moot; and (iii) grant the Appellees such other and further relief as is just and proper.

[Remainder of page intentionally left blank]

Dated: New York, New York
January 4, 2022

Respectfully submitted,

/s/ Evan R. Fleck

Dennis F. Dunne

Evan R. Fleck

Benjamin Schak

MILBANK LLP

55 Hudson Yards

New York, New York 10001

Telephone: (212) 530-5000

Facsimile: (212) 822-5567

Gregory A. Bray

MILBANK LLP

2029 Century Park East, 33rd Floor

Los Angeles, CA 90067

Telephone: (424) 386-4470

Facsimile: (213) 892-4770

Aaron L. Renenger*

MILBANK LLP

1850 K Street NW, Suite 1100

Washington, D.C. 20006

Telephone: (202) 835-7505

Facsimile: (202) 263-7505

**pro hac vice motion pending*

Counsel for Appellees