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January 31, 2022

VIA ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007
NathanNYSDCChambers@nysd.uscourts.gov

Re: *In re Avianca Holdings S.A. et al.*, Case Nos. 1:21-cv-10004, 1:21-cv-10118

Dear Judge Nathan:

We write on behalf of Appellees in the above-captioned proceedings (the “Appeals”) to clarify the deadline for the filing of Appellees’ brief in the Appeals.

The Appeals involve two sets of Appellants: those in case no. 1:21-cv-10004 (the “Burlingame Appellants”) and those in case no. 1:21-10118 (the “Baruch Appellants”). On December 17, 2021, this Court entered an agreed scheduling order [Dkt. No. 9 in case no. 1:21-cv-10004; Dkt. No. 10 in case no. 1:21-cv-10118] (the “Scheduling Order”). The Scheduling Order required (i) Appellants to file opening briefs within 30 days after the docketing of notice that the record on appeal had been transmitted to the Court and (ii) Appellees to file a consolidated opposition brief 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*” (emphases added).

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Because the docketing notice occurred on December 28, 2021 [Dkt. No. 12], the deadline for Appellants to file their opening briefs was January 27, 2022. The Baruch Appellants filed their opening brief on January 19, 2022 [Dkt. No. 17 in case no. 1:21-cv-10118]. The Burlingame Appellants, however, did not file an opening brief. Thus, clause (B) of the above-quoted Scheduling Order determines Appellees' deadline for briefing the Appeals. Pursuant to that clause, Appellees' brief is due 30 days after the deadline by which Appellants were to file their opening briefs. As extended by Rule 9006(a)(1)(C) of the Federal Rules of Bankruptcy Procedure, the deadline for the Appellees' brief therefore falls on February 28, 2022.

Nevertheless, the ECF docket entry for the Baruch Appellants' brief includes the following text: "Appellee Brief due by 2/18/2022" (the "Docket Entry Text"). Counsel to the Baruch Appellants have informed us that (1) the Docket Entry Text was "automatically generated" upon the filing of their opening brief, and (2) they agree that Appellees' brief is due by February 28, 2022, pursuant to the Scheduling Order.

Appellees thus respectfully request that the Court clarify that the deadline for Appellees' brief is February 28, 2022. We thank Your Honor for your time and attention to this matter.

Respectfully submitted,

/s/ Aaron L. Renenger
Aaron L. Renenger

SO ORDERED.

THE HONORABLE ALISON J. NATHAN
UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK