

# OVED & OVED

ATTORNEYS

November 1, 2022

**VIA ECF**

Hon. Vernon S. Broderick  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: *In re Avianca Holdings S.A.*, Case No. 21-cv-10118-VSB

Dear Judge Broderick:

We represent Appellants in the above-referenced action and write in brief response to Appellees' letter, dated October 28, 2022, submitting a recent summary order from the Second Circuit Court of Appeals regarding equitable mootness, *In re: Windstream Holding, Inc.*, No. 21-1754 (Dkt. No. 122) (2d Cir. Oct. 25, 2022) (the "Summary Order"). First, the Summary Order has absolutely no application to the present appeal because here, the Bankruptcy Court denied a stay on the record. *See* A-49 at ¶ 67 ("The terms of this Confirmation Order shall be immediately effective and shall not be stayed"). Moreover, even if that were not the case, the Summary Order states on its face that "**RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT.**" *See* Summary Order at p. 1 (emphasis and capitalization in original). Thus, nothing in the Summary Order requires the Court to accept Appellees' argument.

We thank the Court for its time and continued attention to this matter.

Respectfully submitted,

/s/ *Glen Lenihan*

Glen Lenihan

cc: Appellees' counsel (*via* ECF)

