

Hearing Date & Time: December 15, 2022 at 10:00 a.m. (prevailing Eastern Time)  
Objection Deadline: December 9, 2022 at 4:00 p.m. (prevailing Eastern Time)

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

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In re: : Chapter 11  
: :  
AVIANCA HOLDINGS S.A. *et al.*,<sup>1</sup> : Case No. 20-11133 (MG)  
: :  
Debtors and Reorganized Debtors. : (Confirmed)  
: :  
-----X

**REORGANIZED DEBTORS' TWENTY-THIRD OMNIBUS  
OBJECTION TO PROOFS OF CLAIM**

<sup>1</sup> The Debtors and Reorganized Debtors in these chapter 11 cases, and each Debtors' and Reorganized Debtors' federal tax identification number (to the extent applicable), are as follows: Avianca Holdings S.A. (N/A) n/k/a HVA Associated Corp.; Aero Transporte de Carga Unión, S.A. de C.V. (N/A); Aero inversiones de Honduras, S.A. (N/A); Aerovías del Continente Americano S.A. Avianca (N/A); Airlease Holdings One Ltd. (N/A); America Central (Canada) Corp. (00-1071563); America Central Corp. (65-0444665); AV International Holdco S.A. (N/A); AV International Holdings S.A. (N/A); AV International Investments S.A. (N/A); AV International Ventures S.A. (N/A); AV Investments One Colombia S.A.S. (N/A); AV Investments Two Colombia S.A.S. (N/A); AV Loyalty Bermuda Ltd. (N/A); AV Taca International Holdco S.A. (N/A); Aviacorp Enterprises S.A. (N/A); Avianca Costa Rica S.A. (N/A); Avianca Leasing, LLC (47-2628716); Avianca, Inc. (13-1868573); Avianca-Ecuador S.A. (N/A); Aviaservicios, S.A. (N/A); Aviateca, S.A. (N/A); Avifreight Holding Mexico, S.A.P.I. de C.V. (N/A); C.R. Int'l Enterprises, Inc. (59-2240957); Grupo Taca Holdings Limited (N/A); International Trade Marks Agency Inc. (N/A); Inversiones del Caribe, S.A. (N/A); Isleña de Inversiones, S.A. de C.V. (N/A); Latin Airways Corp. (N/A); Latin Logistics, LLC (41-2187926); Nicaragüense de Aviación, Sociedad Anónima (N/A); Regional Express Américas S.A.S. (N/A); Ronair N.V. (N/A); Servicio Terrestre, Aéreo y Rampa S.A. (N/A); Servicios Aeroportuarios Integrados SAI S.A.S. (92-4006439); Taca de Honduras, S.A. de C.V. (N/A); Taca de México, S.A. (N/A); Taca International Airlines S.A. (N/A); Taca S.A. (N/A); Tampa Cargo S.A.S. (N/A); Technical and Training Services, S.A. de C.V. (N/A). The Debtors' and Reorganized Debtors' principal offices are located at Avenida Calle 26 # 59 – 15 Bogotá, Colombia.



**THIS OBJECTION SEEKS TO DISALLOW AND EXPUNGE CERTAIN FILED  
PROOFS OF CLAIM.**

**CLAIMANTS RECEIVING THIS OBJECTION SHOULD LOCATE THEIR  
NAMES AND CLAIMS ON SCHEDULES 1 THROUGH 5 ATTACHED TO  
THE PROPOSED ORDER.**

Avianca Holdings S.A. and its reorganized debtor affiliates in these proceedings (collectively, the “Reorganized Debtors”) hereby file this *Twenty-Third Omnibus Objection to Proofs of Claim* (the “Objection”) pursuant to *Order Pursuant to 11 U.S.C. § 105(a) and Fed. R. Bankr. P. 3007 (I) Establishing Claims Objection and Notice Procedures and (II) Granting Related Relief* [Docket No. 1179] (the “Claims Objection Procedures Order”). This Objection is supported by the *Declaration of Walt Brown in Support of the Debtors’ Twenty-Third Omnibus Objection to Proofs of Claim* (the “Brown Declaration”), which is attached to this Objection as **Exhibit B**. By this Objection, the Reorganized Debtors object to and seek to disallow the claims listed on **Schedules 1 through 5** to the proposed order attached to this Objection as **Exhibit A** (the “Disputed Claims”). In support of this Objection, the Reorganized Debtors respectfully state as follows:

**Background**

1. On May 10, 2020 (the “Initial Petition Date”), certain of the Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code. On September 21, 2020 (together with the Initial Petition Date, as applicable to each Debtor, the “Petition Date”), each of AV Loyalty Bermuda Ltd. and Aviacorp Enterprises S.A. filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code (collectively, the “Chapter 11 Cases”).

2. The Debtors operated their businesses and managed their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code until they effectuated

their emergence from bankruptcy on December 1, 2021. *See Notice of (I) Entry of Order Confirming Further Modified Joint Chapter 11 Plan of Avianca Holdings S.A. and Its Affiliated Debtors, (II) Occurrence of Effective Date, and (III) Final Deadlines for Filing Certain Claims* [Docket No. 2384]. The Debtors' chapter 11 cases were jointly administered pursuant to Bankruptcy Rule 1015(b) and the *Amended Order (I) Directing Joint Administration of Chapter 11 Cases and (II) Granting Related Relief* [Docket No. 73] and the *Order Directing Certain Orders in Chapter 11 Cases of Avianca Holdings S.A., et al Be Made Applicable to Subsequent Debtors* [Docket No. 1030].

3. On May 22, 2020, the United States Trustee for the Southern District of New York appointed an official committee of unsecured creditors (the "Committee"). *See Notice of Appointment of Official Committee of Unsecured Creditors* [Docket No. 154]. No trustee or examiner was appointed in the cases.

4. Additional information regarding the Debtors' business, capital structure, and the circumstances leading to the filing of these cases is set forth in the *Declaration of Adrian Neuhauser in Support of the Debtors' Chapter 11 Petitions and First Day Orders* [Docket No. 20].

5. On November 16, 2020, the Court entered the *Order (I) Establishing Bar Dates for Filing Proofs of Claim, (II) Approving Proof of Claim Forms, Bar Date Notices, and Mailing and Publication Procedures, (III) Implementing Uniform Procedures Regarding 503(b)(9) Claims, and (IV) Providing Certain Supplemental Relief* [Docket No. 1180] that, among other things, established the following deadlines for filing proofs of claim in these cases: (a) January 20, 2021, at 11:59 p.m. (prevailing Pacific Time), for all entities (except for those specifically exempt) holding all types of claims against the Debtors that arose or are deemed to have arisen before the Petition Date; (b) February 5, 2021, at 11:59 p.m. (prevailing Pacific Time), for all governmental

units holding claims that arose or are deemed to have arisen prior to the Petition Date; (c) the later of (i) the General Bar Date, or (ii) the later of the date that is (x) thirty days after the date of entry of an order authorizing the rejection of a contract or lease, or (y) the applicable rejection date for claims relating to the Debtors' rejection of an executory contract or unexpired lease; and (d) the later of (i) the General Bar Date and (ii) thirty days after the date that Notice of Amended Schedules is served on the affected claimant for claims whose amount or characterization has changed in the amended schedules (the "Bar Dates"). On November 16, 2020, the Court entered the Claims Objection Procedures Order [Docket No. 1179], that established procedures for Debtors to object to multiple claims in a single objection.

6. On November 2, 2021, the Court entered the *Order (I) Confirming Further Modified Joint Chapter 11 Plan of Avianca Holdings S.A. and Its Affiliated Debtors and (II) Granting Related Relief* [Docket No. 2300] (such underlying chapter 11 plan, the "Plan"). The Plan substantively consolidated all of the Debtors except Avifreight Holding Mexico, S.A.P.I. de C.V. ("Avifreight"), Aero Transporte de Carga Unión, S.A. de C.V. ("Aerounión"), and Servicios Aeroportuarios Integrados SAI S.A.S. ("SAI"). The substantively consolidated Debtors are referred to herein as the "Consolidated Debtors." The Plan became effective on December 1, 2021 (the "Effective Date") and the Debtors became the Reorganized Debtors as of the Effective Date. *See Notice of (I) Entry of Order Confirming Further Modified Joint Chapter 11 Plan of Avianca Holdings S.A. and Its Affiliated Debtors, (II) Occurrence of Effective Date, and (III) Final Deadlines for Filing Certain Claims* [Docket No. 2384]. Pursuant to Section VII.E of the Plan, the Reorganized Debtors may adjust or expunge from the claims register maintained by the Debtors' claims and solicitation agent (the "Claims Register") any claims that have been paid or satisfied without further action, order, or approval of the Court.

7. The Plan provides that the Reorganized Debtors shall serve and file any objections to proofs of claim (each, a “Proof of Claim”) that have been filed against the Debtors on or before the date that is the latter of (a) 180 days after the Effective Date (i.e., May 31, 2022), pursuant to Bankruptcy Rule 9006(a)(1)(C)) and (b) such later date as may be fixed by the Bankruptcy Court upon notice and a hearing. On May 10, 2022, the Court entered the *Order Extending the Deadline to Object to Claims* [Docket No. 2572], which extended the deadline for the Reorganized Debtors to serve and file any objections to Proofs of Claim to December 2, 2022.

8. The Reorganized Debtors and their advisors are comprehensively reviewing and reconciling all claims, including the Disputed Claims and the claims asserted in the Proofs of Claim filed in the Chapter 11 Cases. To date, the Claims Register indicates that approximately 4,038 Proofs of Claim have been filed against the Reorganized Debtors. To determine the validity of the asserted claims, the Reorganized Debtors and their advisors are reviewing the claims asserted in the Proofs of Claim against the Reorganized Debtors’ books and records (the “Books and Records”).

### **Jurisdiction and Venue**

9. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue in this Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

### **Relief Requested**

10. The Reorganized Debtors respectfully request the Court to enter an order (the “Proposed Order”), substantially in the form attached hereto as **Exhibit A**, disallowing, reducing, reclassifying or otherwise modifying, as applicable, each Disputed Claim in the amounts provided on the schedules to the Proposed Order.

**Basis for Relief Requested**

11. Section 502(a) of the Bankruptcy Code provides that any claim for which a proof of claim has been filed shall be deemed allowed unless a party in interest objects. 11 U.S.C. § 502(a). As set forth in Bankruptcy Rule 3001(f), a properly executed and filed proof of claim constitutes *prima facie* evidence of the validity and the amount of the claim for the purposes of section 502(a) of the Bankruptcy Code. See In re Allegheny Int'l, Inc., 954 F.2d 167, 173 (3d Cir. 1992). However, a proof of claim is entitled to the presumption of *prima facie* validity only until an objecting party produces evidence to negate such *prima facie* validity. See In re Avaya, Inc., 608 B.R. 366, 369-70 (Bankr. S.D.N.Y. 2019).

12. If an objection is filed, the court, upon notice and a hearing, must determine the validity and/or the amount of the asserted claim. See 11 U.S.C. § 502(b). Once the objecting party refutes an allegation critical to the claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence. Allegheny, 954 F.2d at 173. In other words, once the *prima facie* validity of a claim is rebutted, “it is for the claimant to prove his claim, not for the objector to disprove it.” In re Kahn, 114 B.R. 40, 44 (Bankr. S.D.N.Y. 1990) (citations omitted).

13. A debtor in possession has the duty to object to the allowance of any improperly asserted claim. 11 U.S.C. § 1106(a)(1). Section 502(b)(1) of the Bankruptcy Code provides that a claim may not be allowed to the extent that “such claim is unenforceable against the debtor.” 11 U.S.C. § 502(b)(1). Bankruptcy Rule 3007(d) and the Claims Objection Procedures Order permit the Debtors and Reorganized Debtors to file an objection to more than one claim on non-substantive bases, such as because such claims “have been satisfied” (Fed. R. Bankr. P. 3007(d)(5); see also, Claims Objection Procedures Order at ¶ 2), such claims are “incorrectly classified” (Claims Objection Procedures Order at ¶ 2(ii)), “do[] not include sufficient documentation to

ascertain the validity of the claim” (Claims Objection Procedures Order at ¶ 2(iv)), “the amount claimed is inconsistent with or contradicts the Debtors’ books and records and the Debtors, after review and consideration of any information provided by the claimant, deny liability in excess of the amount reflected in the Debtors’ books and records” (Claims Objection Procedures Order at ¶ 2), or the claim “ha[s] been amended by subsequently filed proofs of claim” (Fed. R. Bankr. P. 3007(d)(3)).

14. **Satisfied Claim.** Based on their review of their Claims Register, the Reorganized Debtors have determined that the claim listed on **Schedule 1** to the Proposed Order (the “Satisfied Claim”) has been paid or otherwise satisfied by the Reorganized Debtors after the Petition Date. Failure to disallow the Satisfied Claim could result in the relevant claimant receiving an unwarranted recovery against the Reorganized Debtors’ estates, to the detriment of other similarly situated creditors. To avoid the possibility of multiple recoveries by such claimant, the Reorganized Debtors respectfully request that the Court disallow the Satisfied Claim listed on **Schedule 1** to the Proposed Order and expunge it from the Reorganized Debtors’ Claims Register.

15. This Court has previously granted similar relief in these chapter 11 cases. *See Order Granting the Reorganized Debtors’ Thirteenth Omnibus Objection to Proofs of Claim* [Docket No. 2558]; *Order Granting the Reorganized Debtors’ Fourteenth Omnibus Objection to Proofs of Claim* [Docket No. 2559]; *Order Granting the Reorganized Debtors’ Fifteenth Omnibus Objection to Proofs of Claim* [Docket No. 2560]; *Order Granting the Reorganized Debtors’ Sixteenth Omnibus Objection to Proofs of Claim* [Docket No. 2561].

16. **No Liability Claims.** The Reorganized Debtors have also determined that each claim listed on **Schedule 2** to the Proposed Order (the “No Liability Claims”) represents a claim for which the Reorganized Debtors believe they are not liable. The Reorganized Debtors have

determined that each No Liability Claim (1) asserts amounts for services which were not performed due to the covid-19 global pandemic, and (2) asserts amounts for services of which the Reorganized Debtors have no record of their being performed and which are not supported by sufficient documentation. Additionally, the Reorganized Debtors could find no support for the No Liability Claims in their Book and Records. As, after review and consideration of the Proofs of Claim, the Reorganized Debtors deny that they are liable for such amounts, they respectfully request that the Court disallow each No Liability Claim listed on **Schedule 2** to the Proposed Order and expunge it from the Claims Register.

17. This Court has previously granted similar relief in these chapter 11 cases. *See Order Granting the Reorganized Debtors' Eleventh Omnibus Objection to Proofs of Claim* [Docket No. 2507]; *Order Granting the Reorganized Debtors' Sixteenth Omnibus Objection to Proofs of Claim* [Docket No. 2561]; *Order Granting the Reorganized Debtors' Eighteenth Omnibus Objection to Proofs of Claim* [Docket No. 2585].

18. **Subsidiary Claims.** Based on their review of the Claims Register and any documentation provided therewith, the Reorganized Debtors have determined that each claim listed on **Schedule 3** to the Proposed Order (the "**Subsidiary Claims**") is a scheduled claim in favor of a subsidiary of one or more of the Reorganized Debtors that (1) has been paid or otherwise satisfied in part, (2) is on account of liability that is more properly attributed to an Avianca entity that was not a debtor in these chapter 11 cases, or (3) should be reduced to accurately reflect the applicable Reorganized Debtor's outstanding payables and receivables associated with the claimant. In order to preserve the integrity and accuracy of the Claims Register, and to avoid Avianca entities improperly receiving recoveries to the detriment of other creditors, the



Reorganized Debtors respectfully request that the Court reduce or disallow the Subsidiary Claims listed on **Schedule 3** to the Proposed Order to the extent contained set forth in **Schedule 3**.

19. **Unliquidated and Contingent Claims.** Based on their review of the claims register, the Reorganized Debtors have determined that each claim listed on **Schedule 4** to the Proposed Order (the “Unliquidated and Contingent Claims”) represents a claim that asserts, either in whole or in part, an unliquidated and/or contingent amount or has otherwise failed to assert a valid prima facie claim by indicating a certain amount. Where the basis for the claim or its amount cannot be discerned from its face, it is subject to objection that it does not comply with applicable rules in a way that causes the objector to be unable to determine the validity of the claim. See Fed. R. Bankr. P. 3001(f); Fed. R. Bankr. P. 3007(d)(6). Bankruptcy Rule 3001(a) provides that “[a] proof of claim shall conform substantially to the property Official Form,” which “requires a creditor to provide . . . the amount of the claim.” See In re Kemmer, 315 B.R. 706, 712 (Bankr. E.D. Tenn. 2004) (internal citations omitted). Because the claimants have failed to provide the required information regarding the amount of their claim, the Reorganized Debtors are unable to determine the validity of the Unliquidated and Contingent Claims. Further, the Reorganized Debtors and their advisors have reviewed their Books and Records and do not believe there are any amounts due and owing with respect to the Unliquidated and Contingent Claims. Thus, the Reorganized Debtors respectfully request that the Court disallow each Unliquidated and Contingent Claim listed on **Schedule 4** to the Proposed Order and expunge it from the Reorganized Debtors’ claims register.

20. This Court has previously granted similar relief in these chapter 11 cases. See Order Granting the Reorganized Debtors’ Eleventh Omnibus Objection to Proofs of Claim

[Docket No. 2507]; *Order Granting the Reorganized Debtors' Sixteenth Omnibus Objection to Proofs of Claim* [Docket No. 2525].

21. **Multiple Modification Claims.** Based on the Reorganized Debtors' review of the Claims Register, they have determined that each claim listed on **Schedule 5** to the Proposed Order (the "**Multiple Modification Claims**") is subject to more than one basis for reduction. The particular basis for each claim's reduction is set forth in **Schedule 5**, along with the amount of the claim which corresponds to each basis for modification. The claims listed in **Schedule 5** (1) have been partially satisfied to the extent identified in **Schedule 5**, (2) contain amounts that the Reorganized Debtors do not owe because the amounts are in respect of a refund on a ticket that was used, (3) did not contain sufficient documentation for the Reorganized Debtors to substantiate, and/or (4) contain unliquidated amounts.

22. This Court has previously granted similar relief in these chapter 11 cases. *See Order Granting the Reorganized Debtors' Twelfth Omnibus Objection to Proofs of Claim* [Docket No. 2509]; *Order Granting the Reorganized Debtors' Sixteenth Omnibus Objection to Proofs of Claim* [Docket No. 2561]; *Order Granting the Reorganized Debtors' Seventeenth Omnibus Objection to Proofs of Claim* [Docket No. 2571]; *Order Granting the Reorganized Debtors' Eighteenth Omnibus Objection to Proofs of Claim* [Docket No. 2585].

#### **Separate Contested Matter**

23. Each objection to the Disputed Claims constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. The Reorganized Debtors request that the order entered with respect to this Objection be deemed a separate final order with respect to each Disputed Claim.

**Responses to Objections**

24. For any claimant who timely files and properly serves a response to this Objection (each, a “Response”) as set forth in the *Notice of Hearing on Reorganized Debtors’ Twenty-Third Omnibus Objection to Proofs of Claim*, attached as **Exhibit C**, the Reorganized Debtors will schedule such Response to be heard at the omnibus hearing at which this Objection will be heard, which is scheduled for December 15, 2022 at 10:00 a.m. (prevailing Eastern Time).

25. To the extent no Response is timely filed with respect to a Disputed Claim, the Reorganized Debtors request that the Court enter an order disallowing or reducing, as applicable, all such Disputed Claims.

**Notice**

26. Notice of this Objection has been provided to all claimants whose proofs of claim are the subject of the Objection, the Office of the U.S. Trustee, and all other parties entitled to notice pursuant to Bankruptcy Rule 2002. The Reorganized Debtors submit that no other or further notice need be given.

**Reservation of Rights**

27. The Reorganized Debtors reserve the right to modify, supplement and/or amend this Objection as it pertains to any claim identified herein.

**No Prior Request**

28. No prior request for the relief sought in this Objection has been made to this or any other court.

*[Remainder of page intentionally left blank]*

WHEREFORE, the Reorganized Debtors respectfully request entry of the Proposed Order granting the relief requested herein and such other and further relief as the Court may deem just and appropriate.

Dated: New York, New York  
November 9, 2022

/s/ Evan R. Fleck

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*Counsel for Debtors and Reorganized Debtors*

**Exhibit A to Twenty-Third Omnibus Claims Objection**

**Proposed Order**

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

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In re: : Chapter 11  
: :  
AVIANCA HOLDINGS S.A., *et al.*,<sup>1</sup> : Case No. 20-11133 (MG)  
: :  
Debtors and Reorganized Debtors. : (Confirmed)  
: :  
-----X

**ORDER GRANTING THE REORGANIZED DEBTORS' TWENTY-THIRD  
OMNIBUS OBJECTION TO PROOFS OF CLAIM**

Upon the *Reorganized Debtors' Twenty-Third Omnibus Objection to Proofs of Claim* (the "Twenty-Third Omnibus Claims Objection"),<sup>2</sup> whereby the Reorganized Debtors have requested, in accordance with sections 105 and 502 of the Bankruptcy Code, Bankruptcy Rule 3007, and the *Order Pursuant to 11 U.S.C. § 105(a) and Fed. R. Bankr. P. 3007 (I) Establishing Claims Objection and Notice Procedures and (II) Granting Related Relief* [Docket No. 1179], entry of an order disallowing and expunging the claims identified on the Schedules hereto; and it appearing that the relief requested is in the best interests of the Reorganized Debtors' estates, their creditors and other parties in interest; and the Court having jurisdiction to consider the Twenty-Third

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<sup>1</sup> The Debtors and Reorganized Debtors in these chapter 11 cases, and each Debtors' and Reorganized Debtors' federal tax identification number (to the extent applicable), are as follows: Avianca Holdings S.A. (N/A) n/k/a HVA Associated Corp.; Aero Transporte de Carga Unión, S.A. de C.V. (N/A); Aeroinversiones de Honduras, S.A. (N/A); Aerovías del Continente Americano S.A. Avianca (N/A); Airlease Holdings One Ltd. (N/A); America Central (Canada) Corp. (00-1071563); America Central Corp. (65-0444665); AV International Holdco S.A. (N/A); AV International Holdings S.A. (N/A); AV International Investments S.A. (N/A); AV International Ventures S.A. (N/A); AV Investments One Colombia S.A.S. (N/A); AV Investments Two Colombia S.A.S. (N/A); AV Loyalty Bermuda Ltd. (N/A); AV Taca International Holdco S.A. (N/A); Aviacorp Enterprises S.A. (N/A); Avianca Costa Rica S.A. (N/A); Avianca Leasing, LLC (47-2628716); Avianca, Inc. (13-1868573); Avianca-Ecuador S.A. (N/A); Aviaservicios, S.A. (N/A); Aviateca, S.A. (N/A); Avifreight Holding Mexico, S.A.P.I. de C.V. (N/A); C.R. Int'l Enterprises, Inc. (59-2240957); Grupo Taca Holdings Limited (N/A); International Trade Marks Agency Inc. (N/A); Inversiones del Caribe, S.A. (N/A); Isleña de Inversiones, S.A. de C.V. (N/A); Latin Airways Corp. (N/A); Latin Logistics, LLC (41-2187926); Nicaragüense de Aviación, Sociedad Anónima (N/A); Regional Express Américas S.A.S. (N/A); Ronair N.V. (N/A); Servicio Terrestre, Aéreo y Rampa S.A. (N/A); Servicios Aeroportuarios Integrados SAI S.A.S. (92-4006439); Taca de Honduras, S.A. de C.V. (N/A); Taca de México, S.A. (N/A); Taca International Airlines S.A. (N/A); Taca S.A. (N/A); Tampa Cargo S.A.S. (N/A); Technical and Training Services, S.A. de C.V. (N/A). The Debtors' and Reorganized Debtors' principal offices are located at Avenida Calle 26 # 59 – 15 Bogotá, Colombia.

<sup>2</sup> Capitalized terms not otherwise defined herein shall be given the meanings ascribed to them in the Twenty-Third Omnibus Claims Objection.

Omnibus Claims Objection and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Twenty-Third Omnibus Claims Objection and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and notice of the Twenty-Third Omnibus Claims Objection having been adequate and appropriate under the circumstances; and after due deliberation and sufficient cause appearing therefor, **IT IS HEREBY ORDERED THAT:**

1. The Twenty-Third Omnibus Claims Objection is granted as set forth herein.
2. Each Satisfied Claim identified in **Schedule 1** attached hereto as fully satisfied is disallowed in its entirety for all purposes in these bankruptcy cases and shall be automatically expunged from the Claims Register maintained in these cases.
3. Each No Liability Claim identified in **Schedule 2** attached hereto and each Unliquidated and Contingent Claim identified in **Schedule 4** attached hereto is disallowed in its entirety for all purposes in these bankruptcy cases and shall be automatically expunged from the Claims Register maintained in these cases.
4. Each Subsidiary Claim identified on **Schedule 3** attached hereto is reduced and allowed or disallowed, as applicable, to the extent set forth in **Schedule 3**.
5. Each Multiple Modifications Claim identified in **Schedule 5** attached hereto is reduced and reclassified to the extent and in the manner set forth in **Schedule 5**.
6. The Debtors and their claims agent are authorized to take all actions necessary to effectuate the relief granted in this Order, including updating the Claims Register to reflect the relief granted herein.
7. Any response to the Twenty-Third Omnibus Claims Objection not otherwise withdrawn, resolved, or adjourned is hereby overruled on its merits.

8. Except as provided in this Order, nothing in this Order shall be deemed (a) an admission or finding as to the validity of any claim against a Debtor, (b) a waiver of the right of the Reorganized Debtors to dispute any claim against any Debtor on any grounds whatsoever, at a later date, (c) a promise by or requirement on any Debtor to pay any claim, or (d) a waiver of the rights of the Reorganized Debtors under the Bankruptcy Code or any other applicable law.

9. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: \_\_\_\_\_, 2022  
New York, New York

\_\_\_\_\_  
THE HONORABLE MARTIN GLENN  
CHIEF UNITED STATES BANKRUPTCY JUDGE



**Schedule 1 to Order**

**Satisfied Claim**

SATISFIED CLAIM <sup>1</sup>				
Claimant's Name	Scheduled / Proof(s) of Claim to be Disallowed	Asserted / Scheduled Amount of Claim	Debtor Claim is Asserted / Scheduled Against	Reason for Disallowance
Diplomat Wyndham Bogota	155 <sup>2</sup>	\$8,289.44	Tampa Cargo S.A.S.	All invoices paid

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<sup>1</sup> See Twenty-Third Omnibus Claims Objection at ¶XX.

<sup>2</sup> Indicates the claim was converted to USD using the exchange rate as of market open on May 11, 2020. Claim may contain unliquidated and/or undetermined amounts.

**Schedule 2 to Order**

**No Liability Claims**

NO LIABILITY CLAIMS <sup>1</sup>				
Claimant's Name	Proof(s) of Claim to be Disallowed	Asserted Amount of Claim	Debtor Claim Is Asserted Against	Reason for Modification
CARDENAS MONTANA HECTOR JULIO	3255622	\$71.42	Servicios Aeroportuarios Integrados SAI S.A.S.	Services were never performed due to the pandemic
CENTRO DE SERVICIO EXCLUSIVO COLOMBIA SAS	3258097	\$960.90	Servicios Aeroportuarios Integrados SAI S.A.S.	Repair work was never performed

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<sup>1</sup> See Twenty-Third Omnibus Claims Objection at ¶¶16-17.

**Schedule 3 to Order**

**Subsidiary Claims**

INTERCOMPANY CLAIMS <sup>1</sup>							
Claimant's Name	Proof(s) of Claim to be Disallowed	Asserted Amount of Claim	Amount Reduced (GUC)	Modified Claim Amount (GUC)	Debtor Claims is Asserted Against	Modification Type	Reason for Modification
Airlease Fourteen Ltd.	3255570	\$12,902,309.71	\$8,175,377.61	\$4,726,932.10	Taca International Airlines S.A.	Books and Records	Reduced to reflect the Company's current outstanding payables and receivables associated with the claimant
Airlease Thirteen Ltd.	3255571	\$8,699,563.92	\$8,699,563.92	\$0.00	Taca International Airlines S.A.	Books and Records	The liability belongs to an entity of Avianca outside of the Ch11 process
Airlease Thirty Ltd.	3255565	\$8,680,072.65	\$3,638,965.07	\$5,041,107.58	Taca International Airlines S.A.	Books and Records	Reduced to reflect the Company's current outstanding payables and receivables associated with the claimant
Airlease Twelve Ltd.	3255566	\$10,427,415.73	\$10,427,415.73	\$0.00	Taca International Airlines S.A.	Books and Records	The liability belongs to an entity of Avianca outside of the Ch11 process
Airlease Twelve Ltd.	3262321	\$27,582.48	\$27,582.48	\$0.00	Taca International Airlines S.A.	Books and Records	The liability belongs to an entity of Avianca outside of the Ch11 process
Airlease Twenty Eight Ltd.	3255577	\$3,589,312.45	\$1,646,972.36	\$1,942,340.09	Taca International Airlines S.A.	Books and Records	Reduced to reflect the Company's current outstanding payables and receivables associated with the claimant
Airlease Twenty Nine Ltda.	3262328	\$829,859.70	\$829,859.70	\$0.00	Taca International Airlines S.A.	Books and Records	The liability belongs to an entity of Avianca outside of the Ch11 process
Airlease Twenty Seven Ltd.	3255578	\$4,054,390.70	\$3,804,390.70	\$250,000.00	Taca International Airlines S.A.	Books and Records	Reduced to reflect the Company's current outstanding payables and receivables associated with the claimant
Airlease Twenty Three Ltd.	3255579	\$2,977,960.00	\$960.00	\$2,977,000.00	Grupo Taca Holdings Limited	Books and Records	Reduced to reflect the Company's current outstanding payables and receivables associated with the claimant
Aviation Leasing Services (ALS) Investments S.A.	3255606	\$30,111,891.91	\$30,111,891.91	\$0.00	Grupo Taca Holdings Limited	Paid	All outstanding amounts paid
Turbo Aviation Three S.A.	3255575	\$15,586,142.16	\$15,586,142.16	\$0.00	Aerovias del Continente Americano S.A. Avianca	Paid	All outstanding amounts paid
Turbo Aviation Three S.A.	3262322	\$534,653.12	\$433,206.84	\$101,446.28	Taca International Airlines S.A.	Books and Records	Reduced to reflect the Company's current outstanding payables and receivables associated with the claimant

<sup>1</sup>See Twenty-Third Omnibus Claims Objection at ¶18.

**Schedule 4 to Order**

**Unliquidated and Contingent Claims**

UNLIQUIDATED AND CONTINGENT CLAIMS <sup>1</sup>					
Claimant's Name	Claim & Debtor Claim Is Asserted Against	Claim Class Category	Asserted Claim Amount <sup>2</sup>	Portion of Claim Invalidated	Reason for Modification
Airbus SAS	Claim No. 1494 Aerovias del Continente Americano S.A. Avianca	Administrative Priority	\$0.00	General Unsecured	Unliquidated Claim
		Secured	\$0.00		
		Priority	\$0.00		
		General Unsecured	Unliquidated		
Wilmington Trust Company	Claim No. 1860 Avianca Holdings S.A.	Administrative Priority	\$0.00	General Unsecured	Unliquidated Claim
		Secured	\$0.00		
		Priority	\$0.00		
		General Unsecured	Unliquidated		

<sup>1</sup>See Twenty-Third Omnibus Claims Objection at ¶¶19-20.

<sup>2</sup> Indicates claim contains unliquidated and/or undetermined amounts.



**Schedule 5 to Order**

**Multiple Modification Claims**

MULTIPLE MODIFICATION CLAIMS <sup>1</sup>								
Claimant's Name	Claim & Debtor Claim Is Asserted Against	Claim Class Category	Asserted Claim Amount	No Liability	Paid Amount	Insufficient Documentation Amount	Modified Claim Amount	Reason for Modification
Kilroy International A/S	Claim No. 917 Avianca Holdings S.A.	Administrative Priority	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Reduced due to customer reimbursements paid (\$130k), rejected because the ticket was used (\$31k), and rejected because the customer failed to provide enough information to validate the request (\$1k).
		Secured	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
		Priority	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
		General Unsecured	\$161,862.13	(\$31,231.33)	(\$129,579.96)	(\$1,050.84)	\$0.00	
Vacaciones eDreams S.L	Claim No. 1397 Aerovias del Continente Americano S.A. Avianca	Administrative Priority	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Reduced due to customer reimbursements paid (\$2.1MM) and rejected because the ticket was used or it was determined the request for refund was invalid (\$1.6MM)
		Secured	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
		Priority	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
		General Unsecured	\$3,761,256.68	(\$1,643,148.78)	(\$2,118,107.90)	\$0.00	\$0.00	
Wilmington Trust Company <sup>2</sup>	Claim No. 1860 Avianca Holdings S.A.	Administrative Priority	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Reduced remaining portion of the claim, as it consists of unliquidated amounts. Reduced (\$756k) due to insufficient information regarding which aircraft the claim relates to.
		Secured	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
		Priority	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
		General Unsecured	\$756,236.53	\$0.00	\$0.00	(\$756,236.53)	\$0.00	

<sup>1</sup>See Twenty-Third Omnibus Claims Objection at ¶¶21-22.

<sup>2</sup>Indicates claim contains unliquidated and/or undetermined amounts.

**Exhibit B to Twenty-Third Omnibus Claims Objection**

**Declaration of Walt Brown**

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

-----X	:	
	:	
In re:	:	Chapter 11
	:	
AVIANCA HOLDINGS S.A., <i>et al.</i> , <sup>1</sup>	:	Case No. 20-11133 (MG)
	:	
Debtors and Reorganized Debtors.	:	(Confirmed)
	:	
-----X		

**DECLARATION OF WALT BROWN IN SUPPORT OF REORGANIZED DEBTORS'  
TWENTY-THIRD OMNIBUS OBJECTION TO PROOFS OF CLAIM**

I, Walt Brown, make this declaration pursuant to 28 U.S.C. § 1746 and state as follows:

**Background**

1. I am a managing director at FTI Consulting, Inc., together with its wholly owned subsidiaries (“FTI”), an international consulting firm.

2. In my capacity as managing director, I am authorized to submit this declaration in support of the *Reorganized Debtors’ Twenty-Third Omnibus Objection to Proofs of Claim* (the “Twenty-Third Omnibus Claims Objection”).<sup>2</sup>

<sup>1</sup> The Debtors and Reorganized Debtors in these chapter 11 cases, and each Debtors’ and Reorganized Debtors’ federal tax identification number (to the extent applicable), are as follows: Avianca Holdings S.A. (N/A) n/k/a HVA Associated Corp.; Aero Transporte de Carga Unión, S.A. de C.V. (N/A); Aeroinversiones de Honduras, S.A. (N/A); Aerovías del Continente Americano S.A. Avianca (N/A); Airlease Holdings One Ltd. (N/A); America Central (Canada) Corp. (00-1071563); America Central Corp. (65-0444665); AV International Holdco S.A. (N/A); AV International Holdings S.A. (N/A); AV International Investments S.A. (N/A); AV International Ventures S.A. (N/A); AV Investments One Colombia S.A.S. (N/A); AV Investments Two Colombia S.A.S. (N/A); AV Loyalty Bermuda Ltd. (N/A); AV Taca International Holdco S.A. (N/A); Aviacorp Enterprises S.A. (N/A); Avianca Costa Rica S.A. (N/A); Avianca Leasing, LLC (47-2628716); Avianca, Inc. (13-1868573); Avianca-Ecuador S.A. (N/A); Aviaservicios, S.A. (N/A); Aviateca, S.A. (N/A); Avifreight Holding Mexico, S.A.P.I. de C.V. (N/A); C.R. Int’l Enterprises, Inc. (59-2240957); Grupo Taca Holdings Limited (N/A); International Trade Marks Agency Inc. (N/A); Inversiones del Caribe, S.A. (N/A); Isleña de Inversiones, S.A. de C.V. (N/A); Latin Airways Corp. (N/A); Latin Logistics, LLC (41-2187926); Nicaragüense de Aviación, Sociedad Anónima (N/A); Regional Express Américas S.A.S. (N/A); Ronair N.V. (N/A); Servicio Terrestre, Aéreo y Rampa S.A. (N/A); Servicios Aeroportuarios Integrados SAI S.A.S. (92-4006439); Taca de Honduras, S.A. de C.V. (N/A); Taca de México, S.A. (N/A); Taca International Airlines S.A. (N/A); Taca S.A. (N/A); Tampa Cargo S.A.S. (N/A); Technical and Training Services, S.A. de C.V. (N/A). The Debtors’ and Reorganized Debtors’ principal offices are located at Avenida Calle 26 # 59 – 15 Bogotá, Colombia.

<sup>2</sup> Capitalized terms used, but not otherwise defined, herein shall have the meanings set forth in the Twenty-Third Omnibus Claims Objection.

3. All facts set forth herein are based on my personal knowledge, in evaluating the Proofs of Claim, the Reorganized Debtors and other reviewing parties have reviewed the Reorganized Debtors' Books and Records, the relevant Proofs of Claim, as well as the supporting documentation provided by the claimants, and determined that the Disputed Claims should be disallowed and expunged from the claims register maintained in these cases (the "Claims Register").

4. If I were called upon to testify, I could and would competently testify to each of the facts set forth herein on that basis, including that I, or employees of FTI under my supervision and direction, personally reviewed the claims listed in Schedules 1 through 5 to the proposed *Order Granting Reorganized Debtors' Twenty-Third Omnibus Objection to Proofs of Claim* (the "Proposed Order") as part of the claims reconciliation process in these chapter 11 cases.

#### **Satisfied Claim**

5. To the best of my knowledge, information, and belief, based on a review of the Claims Register and of the Satisfied Claim, the Reorganized Debtors have determined that the Satisfied Claim listed on Schedule 1 to Proposed Order has been paid or otherwise satisfied, either in full or in part, by the Debtors after the Petition Date. If the Satisfied Claim identified on Schedule 1 to the Proposed Order is not disallowed or reduced, the claimant identified therein may improperly obtain double recovery from the same alleged liability, at the expense of the Reorganized Debtors and other creditors.

6. I believe it is proper for the Court to enter the Proposed Order disallowing and expunging the Satisfied Claim as set forth therein and in the Objection.

### **No Liability Claims**

7. To the best of my knowledge, information, and belief, based on a review of the Claims Register and each of the No Liability Claims, the Reorganized Debtors have determined that each No Liability Claim (1) asserts amounts for services of which the Reorganized Debtors have no record and which are not supported by sufficient documentation, and (2) asserts amounts for services which were not performed due to the covid-19 global pandemic. Additionally, the Reorganized Debtors could find no support for the No Liability Claims in their Book and Records. If the No Liability Claims identified on **Schedule 2** to the Proposed Order are not disallowed or reduced, the claimants identified therein may improperly obtain an unwarranted recovery at the expense of the Reorganized Debtors and other creditors.

8. I believe it is proper for the Court to enter the Proposed Order disallowing and expunging the No Liability Claims as set forth therein and in the Objection.

### **Subsidiary Claims**

9. To the best of my knowledge, information, and belief, based on a review of the Claims Register and each of the Reduced Claims, the Reorganized Debtors have determined that each claim listed on **Schedule 3** to the Proposed Order (the “**Subsidiary Claims**”) is an intercompany claim that (1) has been paid or otherwise satisfied in part, (2) is on account of liability that is more properly attributed to an Avianca entity that was not a debtor in these chapter 11 cases, or (3) should be reduced to accurately reflect the Reorganized Debtor’s outstanding payables and receivables associated with the claimant. If the Subsidiary Claims identified on **Schedule 3** to the Proposed Order are not reduced, the claimants identified therein may improperly obtain an unwarranted recovery at the expense of the Reorganized Debtors and other creditors.

10. I believe it is proper for the Court to enter the Proposed Order reducing the Subsidiary Claims as set forth in **Schedule 3** thereto and in the Objection.

**Unliquidated and Contingent Claims**

11. To the best of my knowledge, information, and belief, based on a review of the Claims Register and each of the Unliquidated and Contingent Claims, the Reorganized Debtors have determined that the Unliquidated and Contingent Claims listed on **Schedule 4** to Proposed Order failed to provide the required information regarding the amount of their claim, and as a result the Reorganized Debtors are unable to determine the validity of the Unliquidated and Contingent Claims. Further, the Reorganized Debtors have reviewed their Books and Records and do not believe there are any amounts due and owing with respect to the Unliquidated and Contingent Claims. If the Unliquidated and Contingent Claims identified on **Schedule 4** to the Proposed Order are not disallowed or reduced, the claimants identified therein may improperly obtain an unwarranted recovery at the expense of the Reorganized Debtors and other creditors.

12. I believe it is proper for the Court to enter the Proposed Order disallowing and expunging the Unliquidated and Contingent Claims as set forth therein and in the Objection.

**Multiple Modification Claims**

13. To the best of my knowledge, information, and belief, based on a review of the Claims Register and each of the Multiple Modification Claims, the Reorganized Debtors have determined that the claims listed on **Schedule 5** to the Proposed Order (the “**Multiple Modification Claims**”) are subject to more than one basis for reduction. The particular basis for each claim’s reduction is set forth in **Schedule 5**, along with the amount of the claim which corresponds to each basis for modification. The claims listed in **Schedule 5** (1) have been partially satisfied to the extent identified in **Schedule 5**, (2) contain amounts that the Reorganized Debtors do not owe

because it claims amounts for a refund on a ticket that was used, (3) did not contain sufficient documentation for the Reorganized Debtors to substantiate, and/or (4) contain unliquidated amounts. If the Multiple Modification Claims identified on **Schedule 5** to the Proposed Order are not reclassified or reduced, the claimants identified therein may improperly obtain an unwarranted recovery at the expense of the Reorganized Debtors and other creditors.

14. I believe it is proper for the Court to enter the Proposed Order reducing and reclassifying the Multiple Modification Claims as set forth therein and in the Objection.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Date: November 9, 2022

/s/ Walt Brown  
Walt Brown  
Managing Director  
FTI Consulting, Inc.  
2001 Ross Avenue, Suite 650  
Dallas, TX 75201



**Exhibit C to Twenty-Third Omnibus Claims Objection**

**Notice of Objection**

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Benjamin Schak  
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Facsimile: (213) 629-5063

*Counsel for Debtors and Reorganized  
Debtors*

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

-----X	:	
In re:	:	Chapter 11
	:	
AVIANCA HOLDINGS S.A. <i>et al.</i> , <sup>1</sup>	:	Case No. 20-11133 (MG)
	:	
Debtors and Reorganized Debtors.	:	(Confirmed)
	:	
-----X	:	

**NOTICE OF HEARING ON THE REORGANIZED DEBTORS’  
TWENTY-THIRD OMNIBUS OBJECTION TO PROOFS OF CLAIM**

PLEASE TAKE NOTICE that, on November 9, 2022, Avianca Holdings S.A. and its reorganized debtor affiliates in these proceedings (collectively, the “Reorganized Debtors”), filed their Twenty-Third Omnibus Objection to Proofs of Claim (the “Objection”) with the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”).

<sup>1</sup> The Debtors and Reorganized Debtors in these chapter 11 cases, and each Debtors’ and Reorganized Debtors’ federal tax identification number (to the extent applicable), are as follows: Avianca Holdings S.A. (N/A) n/k/a HVA Associated Corp.; Aero Transporte de Carga Unión, S.A. de C.V. (N/A); Aeroinversiones de Honduras, S.A. (N/A); Aerovías del Continente Americano S.A. Avianca (N/A); Airlease Holdings One Ltd. (N/A); America Central (Canada) Corp. (00-1071563); America Central Corp. (65-0444665); AV International Holdco S.A. (N/A); AV International Holdings S.A. (N/A); AV International Investments S.A. (N/A); AV International Ventures S.A. (N/A); AV Investments One Colombia S.A.S. (N/A); AV Investments Two Colombia S.A.S. (N/A); AV Loyalty Bermuda Ltd. (N/A); AV Taca International Holdco S.A. (N/A); Aviacorp Enterprises S.A. (N/A); Avianca Costa Rica S.A. (N/A); Avianca Leasing, LLC (47-2628716); Avianca, Inc. (13-1868573); Avianca-Ecuador S.A. (N/A); Aviaservicios, S.A. (N/A); Aviateca, S.A. (N/A); Avifreight Holding Mexico, S.A.P.I. de C.V. (N/A); C.R. Int’l Enterprises, Inc. (59-2240957); Grupo Taca Holdings Limited (N/A); International Trade Marks Agency Inc. (N/A); Inversiones del Caribe, S.A. (N/A); Isleña de Inversiones, S.A. de C.V. (N/A); Latin Airways Corp. (N/A); Latin Logistics, LLC (41-2187926); Nicaragüense de Aviación, Sociedad Anónima (N/A); Regional Express Américas S.A.S. (N/A); Ronair N.V. (N/A); Servicio Terrestre, Aéreo y Rampa S.A. (N/A); Servicios Aeroportuarios Integrados SAI S.A.S. (92-4006439); Taca de Honduras, S.A. de C.V. (N/A); Taca de México, S.A. (N/A); Taca International Airlines S.A. (N/A); Taca S.A. (N/A); Tampa Cargo S.A.S. (N/A); Technical and Training Services, S.A. de C.V. (N/A). The Debtors’ and Reorganized Debtors’ principal offices are located at Avenida Calle 26 # 59 – 15 Bogotá, Colombia.

**THIS OBJECTION ADDRESSES ONE OR MORE OF THE CLAIM(S) YOU HAVE FILED IN THE REORGANIZED DEBTORS' CASES. Schedules 1 through 5** (the "Schedules") annexed to the Objection (attached hereto) identifies your claim and the category of claim objection applicable to you. The complete Objection can be viewed and/or obtained by: (i) accessing the Court's website at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov), or (ii) free of charge from the Reorganized Debtors' notice and claims agent, KCC, at <http://www.kccllc.net/avianca> or by calling (866) 967-1780 (U.S./Canada) or +1 (310) 751-2680 (International). Note that a PACER password is needed to access documents on the Court's website. The complete Objection is entitled *Reorganized Debtors' Twenty-Third Omnibus Objection to Proofs of Claim*.

The Objection requests that the Bankruptcy Court disallow and expunge one or more of your claims listed in the Schedules on the ground that the claim (i) has been paid or otherwise satisfied by the Debtors, in full or in part, after the Petition Date, (ii) contains amounts for which the Reorganized Debtors have no liability, (iii) should be reduced, (iv) has no support in the Reorganized Debtors' Books and Records, (v) is supported by insufficient documentation, or (vi) is subject to multiple modifications. Any claim that the Bankruptcy Court expunges or disallows will be treated as if such claim had not been filed. Any claim that the Bankruptcy Court reduces or reclassifies will be treated as if such claim had been filed in the reduced amount or reclassified class.

If you DO oppose the disallowance, expungement, reduction, or reclassification of your claim(s) listed in the Schedules then you MUST file a written response to the Objection (the "Response") ON OR BEFORE DECEMBER 9, 2022 AT 4:00 P.M. EASTERN TIME (the "Response Deadline") and serve such Response as set forth herein. If you DO NOT oppose the disallowance, expungement, reduction, or reclassification of your claim(s) listed in the Schedules then no further action is required by you.

The Response, if any, must include the following: (i) a caption identifying the name of the Bankruptcy Court, the names of the Reorganized Debtors, the case number and the title of the Objection to which the Response is directed; (ii) the name of the claimant and description of the basis for the claim; (iii) a short statement describing the reasons for which the claim should not be disallowed as set forth in the Objection; (iv) additional documentation or other evidence upon which you rely in opposing the Objection (if it was not included with the proof of claim previously filed with the Bankruptcy Court); (v) the address(es) to which the Reorganized Debtors must return any reply to your Response, if different from that presented in your proof of claim; (vi) the name, address, and telephone number of the person (which may be you or your legal representative) holding ultimate authority to resolve the claim on your behalf.

The Bankruptcy Court will consider a Response only if the Response is filed with the Court on or prior to the Response Deadline. All Responses must be served on (i) the Bankruptcy Court at Chambers of Honorable Judge Martin Glenn, One Bowling Green, New York, New York 10004-1408, (ii) counsel for the Reorganized Debtors at Milbank LLP, 55 Hudson Yards, New York, New York 10001 (Attn: Evan R. Fleck, Esq., Gregory A. Bray, Esq., and Benjamin Schak, Esq. ([efleck@milbank.com](mailto:efleck@milbank.com), [gbray@milbank.com](mailto:gbray@milbank.com), and [bschak@milbank.com](mailto:bschak@milbank.com))), and (iii) the Reorganized Debtors, c/o Richard Galindo ([richard.galindo@avianca.com](mailto:richard.galindo@avianca.com)).

**A HEARING WILL BE HELD ON DECEMBER 15, 2022** (the “Hearing”) to consider the Objection. **THE HEARING WILL BE HELD AT 10:00 A.M. (EASTERN TIME)** at the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, Room 523, New York, New York 10004 in front of the Honorable Martin Glenn. If you file a written Response to the Objection, you or your counsel must attend the Hearing (which attendance may be via Zoom for Government). In light of the COVID-19 pandemic, the Hearing may be conducted via Zoom for Government. Parties wishing to appear at the Hearing, whether in a “live” or “listen only” capacity, must make an electronic appearance through the “eCourtAppearances” tab on the Court’s website (<http://www.nysb.uscourts.gov/content/judge-martin-glenn>) no later than 4:00 p.m. (prevailing Eastern Time) the business day before the Hearing (the “Appearance Deadline”). Following the Appearance Deadline, the Court will circulate by email the Zoom link to the Hearing to those parties who have made an electronic appearance. Parties wishing to appear at the Hearing must submit an electronic appearance through the Court’s website by the Appearance Deadline and not by emailing or otherwise contacting the Court. The Court will not respond to late requests that are submitted on the day of the hearing. Additional information regarding the Court’s Zoom and hearing procedures can be found on the Court’s website. The Reorganized Debtors reserve the right to continue the Hearing on the Objection for your claim(s) at a later date.

If the Bankruptcy Court does NOT disallow, expunge, reduce, or reclassify your claim(s) listed in **Schedules 1 through 5** then the Reorganized Debtors may object on other grounds to the claim(s) (or to any other claims you may have filed) at a later date. You will receive a separate notice of any such objection.

Dated: November 9, 2022  
New York, New York

/s/ Evan R. Fleck

Dennis F. Dunne

Evan R. Fleck

Benjamin Schak

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- and -

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