

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

In re:

WAYPOINT LEASING HOLDINGS LTD., *et al.*,

Debtors.

WILLIAM TRANSIER, as Plan Administrator
for Waypoint Leasing Holdings Ltd. and its
Affiliated Debtors,

Plaintiff,

– against –

SUNTRUST BANK, MUFG UNION BANK,
N.A., DEUTSCHE BANK AG, NEW YORK
BRANCH, BARCLAYS BANK PLC, and
GOLDMAN SACHS BANK USA,

Defendants.

Chapter 11

Case No. 18-13648 (SMB)

(Jointly Administered)

Adv. Pro. No. 19-01448 (SMB)

ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Upon the motion [Adv. Doc. No. 29] (the “Motion”)¹ of SunTrust Bank, as administrative agent for the WAC7 Lenders, on behalf of all Defendants, pursuant to Rule 56 of the Federal Rules of Civil Procedure, made applicable to this proceeding by Rule 7056 of the Federal Rules of Bankruptcy Procedure, and Rule 7056-1 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York, for summary judgment seeking to dismiss Plan Administrator’s Complaint in the above-referenced adversary proceeding; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and venue being proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and a

¹ Capitalized terms used but not defined herein have the meanings assigned to them in the Motion.



hearing on the Motion having been held before the Court on August 25, 2020 (the “Hearing”); and the Court having considered the Motion, the Plan Administrator’s opposition to the Motion, as well as all related briefing and filings of the parties and the arguments of counsel made at the Hearing; and after due deliberation thereon and upon the record established at the Hearing;

IT IS HEREBY ORDERED THAT:

1. For the reasons set forth on the record at the Hearing, which is incorporated herein and made a part hereof, the Motion is **DENIED**.
2. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and/or enforcement of this Order.

Dated: New York, New York
August 27, 2020

/s/ *Stuart M. Bernstein*
STUART M. BERNSTEIN
United States Bankruptcy Judge