

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

)	
In re:)	Chapter 11
)	
WINDSTREAM HOLDINGS, INC., <i>et al.</i> , ¹)	Case No. 19-22312 (RDD)
)	
Debtors.)	(Jointly Administered)
)	
Windstream Holdings, Inc. and Earthlink Holdings Corp.,)	
)	
Plaintiffs,)	Adversary Proceeding
)	Adv. Pro. No. 19-08247 (RDD)
)	
v.)	
)	
Charlos Yadegarian, Robert Murray, Cindy Graham and Larry Graham,)	
)	
Defendants.)	
)	

ORDER DENYING THE MOTION OF SECURITIES CLASS ACTION LEAD PLAINTIFF TO DISMISS ADVERSARY COMPLAINT AND EXTENDING THE AUTOMATIC STAY TO NON-DEBTOR DEFENDANTS IN THE SECURITIES CLASS ACTION

Upon the complaint [Adv. Docket No. 1] (the “Complaint”)² of the above-captioned debtors and debtors in possession (collectively, the “Debtors”) seeking an order (this “Order”) extending the automatic stay under 11 U.S.C. § 362(a) to all of the individual non-debtor codefendants (the “Non-Debtor Defendants”) in the AR Class Action Matter; and upon the motion [Docket No. 4] (the “Motion”) of Robert Murray, the court-appointed lead plaintiff in the AR Class Action Matter (“Lead Plaintiff”), for entry of an order dismissing the Complaint; and this Court

¹ The last four digits of Debtor Windstream Holdings, Inc.’s tax identification number are 7717. Due to the large number of Debtors in these chapter 11 cases, for which joint administration has been granted, a complete list of the debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors’ claims and noticing agent at <http://www.kcellc.net/windstream>. The location of the Debtors’ service address for purposes of these chapter 11 cases is: 4001 North Rodney Parham Road, Little Rock, Arkansas 72212.

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Complaint.



having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(a)-(b) and 1334(b) and the *Amended Standing Order of Reference from the United States District Court for the Southern District of New York*, dated January 31, 2012; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having found that notice of Motion was due and sufficient under the circumstances and that no other notice need be provided; and upon the Debtor's objection to the Motion and all other pleadings and proceedings related thereto, including the record of the hearing held by the Court on the Motion on June 17, 2019 (the "Hearing"); and, after due deliberation and for the reasons stated by the Court in its ruling at the Hearing, the Court having determined that the Motion should be denied as provided herein; and good and sufficient cause appearing, it is HEREBY ORDERED THAT:

1. The Motion is denied.
2. All deadlines in connection with the Complaint with respect to Lead Plaintiff, including but not limited to the deadline for Lead Plaintiff to file a responsive pleading, are adjourned *sine die*.
3. For the reasons set forth by the Court on the record at the Hearing, and except as may be otherwise further ordered by the Court (including but not limited to any order modifying, terminating, or granting relief from the automatic stay):
 - (a) the Court finds that the automatic stay under 11 U.S.C. § 362(a) extends and applies to the Non-Debtor Defendants in the AR Class Action Matter with respect to the claims asserted against them therein, or

(b) to the extent necessary under applicable law, the Court hereby orders that the automatic stay under 11 U.S.C. § 362(a) is extended to the Non-Debtor Defendants in the AR Class Action Matter with respect to the claims asserted against them therein.

4. Notwithstanding anything to the contrary in any applicable Bankruptcy Rule, the terms and conditions of this Order are immediately effective and enforceable upon its entry, for cause.

5. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: White Plains, New York
July 3, 2019

/s/ Robert D. Drain
THE HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE