

Pg 1 of 2 CIVIL COVER SHEET

JS 44C/SDNY REV. 06/01/17

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

19 CV 6144 Seibel Smith

PLAINTIFFS Robert Murray (Appellant)

DEFENDANTS Windstream Holding, Inc. and Earthlink Holdings Corp. (Appellees)

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Lowenstein Sandler LLP Michael S. Etkin and Andrew Behlmann One Lowenstein Drive, Roseland NJ 07068 (973) 597-2500

ATTORNEYS (IF KNOWN) Kirkland & Ellis LLP - Stephen E. Hessler, Marc Kieselstein, Cristine Schwarzman, James H.M. Sprayregen, Ross M. Kwasteniet, Brad Weiland, John Luze; 601 Lexington Avenue, New York NY 10022 (212) 446-4800

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE) (DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Appeal from order of United States Bankruptcy Court in bankruptcy proceeding under chapter 11 of title 11, United States Code

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No [x] Yes [] Judge Previously Assigned

If yes, was this case Vol. [] Invol. [] Dismissed. No [] Yes [] If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE? No [x] Yes []

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

Table with columns: TORTS, ACTIONS UNDER STATUTES, CONTRACT, PERSONAL INJURY, PERSONAL INJURY, FORFEITURE/PENALTY, BANKRUPTCY, OTHER STATUTES, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, LABOR, IMMIGRATION, FEDERAL TAX SUITS. Includes various legal categories and checkboxes.

Check if demanded in complaint:

[] CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint JURY DEMAND: [] YES [x] NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).



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(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from (Specify District), 6 Multidistrict Litigation (Transferred), 7 Appeal to District Judge from Magistrate Judge, 8 Multidistrict Litigation (Direct File)

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- 1 U.S. PLAINTIFF, 2 U.S. DEFENDANT, 3 FEDERAL QUESTION (U.S. NOT A PARTY), 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business incorporation status in various states and foreign countries.

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: [X] WHITE PLAINS [] MANHATTAN

/s/ Michael S. Etkin

DATE 07/17/2019 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO [X] YES (DATE ADMITTED Mo. Yr. 1979) Attorney Bar Code # 1388503

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)