19-08247-rdd Doc 17

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

CIVIL COVER SHEET

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.

PLAIN'	TIFFS	
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

JURY DEMAND: ☐ YES NO

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CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE) (DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)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 thi	s action, case, or	proceeding, or one essen	tially the same been previo	ously filed in SDNY at any		ge Previously Assigned
If yes, v	vas this case Vol.	☐ Invol. ☐ Dismissed	. No 🗌 Yes 📗 If yes,	give date	& Case No.	
IS THIS A	N INTERNATIONAL ARBIT	RATION CASE? NO	× Yes			
(PLACE	E AN [x] IN ONE B	OX ONLY)	NATURE OF S	SUIT		
		TORTS			ACTIONS UNDER STATUTES	
CONTRA	ст	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[]110 []120 []130 []140 []150	INSURANCE MARINE MILLER ACT NEGOTIABLE INSTRUMENT RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT MEDICARE ACT RECOVERY OF DEFAULTED STUDENT LOANS	[] 310 AIRPLANE [] 315 AIRPLANE PRODUCT LIABILITY [] 320 ASSAULT, LIBEL & SLANDER [] 330 FEDERAL EMPLOYERS' LIABILITY [] 340 MARINE [] 345 MARINE PRODUCT LIABILITY [] 350 MOTOR VEHICLE [] 355 MOTOR VEHICLE	PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY [] 365 PERSONAL INJURY PRODUCT LIABILITY [] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY [] 1368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY PERSONAL PROPERTY [] 370 OTHER FRAUD [] 371 TRUTH IN LENDING	- [] 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881 [] 690 OTHER PROPERTY RIGHTS [] 820 COPYRIGHTS [] 830 PATENT [] 1840 TRADEMARK		[] 375 FALSE CLAIMS [] 376 QUI TAM [] 400 STATE REAPPORTIONMENT [] 410 ANTITRUST [] 430 BANKS & BANKING [] 450 COMMERCE [] 460 DEPORTATION [] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[]153	(EXCL VETERANS) RECOVERY OF OVERPAMENT OF VETERAN'S BENEFITS STOCKHOLDERS		[] 380 OTHER PERSONAL PROPERTY DAMAGE [] 385 PROPERTY DAMAGE PRODUCT LIABILITY	LABOR []710 FAIR LABOR STANDARDS ACT	SOCIAL SECURITY [] 861 HIA (1395ff) [] 862 BLACK LUNG (923) [] 863 DIWC/DIWW (405(g)) [] 864 SSID TITLE XVI	[] 480 CONSUMER CREDIT [] 490 CABLE/SATELLITE TV [] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[] 190 [] 195 [] 196 F	SUITS OTHER CONTRACT CONTRACT PRODUCT LIABILITY RANCHSE	ACTIONS UNDER STATUTES CIVIL RIGHTS	PRISONER PETITIONS [] 463 ALIEN DETAINEE [] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255 [] 530 HABEAS CORPUS [] 535 DEATH PENALTY	[] 720 LABOR/MGMT RELATIONS [] 740 RAILWAY LABOR ACT [] 751 FAMILY MEDICAL LEAVE ACT (FMLA) [] 790 OTHER LABOR LITIGATION	FEDERAL TAX SUITS [] 870 TAXES (U.S. Plaintiff or Defendant)	[]890 OTHER STATUTORY ACTIONS []891 AGRICULTURAL ACTS
REAL PR [] 210 [] 220 [] 230 [] 240 [] 245 [] 290	LAND CONDEMNATION FORECLOSURE RENT LEASE & EJECTMENT TORTS TO LAND TORT PRODUCT LIABILITY ALL OTHER REAL PROPERTY	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner) [] 441 VOTING [] 442 EMPLOYMENT [] 443 HOUSING/ ACCOMMODATIONS [] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT [] 446 AMERICANS WITH DISABILITIES -OTHER [] 448 EDUCATION	PRISONER CIVIL RIGHTS [] 550 CIVIL RIGHTS [] 555 PRISON CONDITION [] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMI	[] 791 EMPL RET INC SECURITY ACT (ERIS IMMIGRATION [] 462 NATURALIZATION APPLICATION [] 465 OTHER IMMIGRATION ACTIONS	[] 871 IRS-THIRD PARTY 26 USC 7609 A)	MATTERS [] 895 FREEDOM OF INFORMATION ACT [] 896 ARBITRATION [] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION [] 950 CONSTITUTIONALITY OF STATE STATUTES
	NDER F.R.C.P. 2	A CLASS ACTION	AS DEFINED BY IF SO, STATE:	LOCAL RULE FOR DIVI	TO A CIVIL CASE NOW SION OF BUSINESS 13?	
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NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

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X 1 Original Proceeding	2 Removed from State Court	3 Remanded from Appellate	4 Reinstated or Reopened		ransferred from Specify District)	6 Multidistrict Litigation (Transferred)	υ′.	Appeal to Dis ludge from Magistrate Ju	
	☐ a. all parties repres	ented Court				8 Multidistrict Litiga	ation (Dire	ct File)	
	b. At least one part is pro se.	dy							
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CITIZEN OF ANOTHE	R STATE []2 []2	INCORPORATED or PRING OF BUSINESS IN THIS S		[]4[]4	FOREIGN N	NATION		[]6 []6	;
PLAINTIFF(S) AD	DRESS(ES) AND COL	JNTY(IES)							
DEFENDANT(S) A	ADDRESS(ES) AND C	OUNTY(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:									
		COURT	HOUSE ASSI	GNMENT					
I hereby certify tha	t this case should be as	ssigned to the courthou	se indicated be	elow pursu	ant to Local F	Rule for Division of I	3usines	s 18, 20 oı	r 21
Check one: THIS	S ACTION SHOULD /s/ Michael		X WH	ITE PL	AINS	MANHATT	AN		
DATE 07/17/2019						RACTICE IN THIS DIS	STRICT		
RECEIPT#	3.2.a			[] [x] Atto		DMITTED Mo # 1388503	Yr. <u>1</u>	1979)	
Magistrate Judge	e is to be designated	by the Clerk of the	Court.						
Magistrate Judge	e					is so Designated	J .		
	Clerk of Court by								
UNITED STATES	DISTRICT COURT (NI	EW YORK SOUTHERI	N)						