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**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. <i>et al.</i> ,)	
)	
Plaintiffs,)	Adv. Pro. No. 19-08279
vs.)	
)	
UNITI GROUP INC., <i>et al.</i> ,)	
)	
Defendants.)	

AGENDA FOR AUGUST 20, 2019 HEARING

Time and Date of Hearing: August 20, 2019, at 10:00 a.m. (prevailing Eastern Time)

Location of Hearing: The Honorable Judge Robert D. Drain
United States Bankruptcy Court for the Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Copies of Motions: A copy of each pleading can be viewed on the Court’s website at <http://www.nysb.uscourts.gov> and the website of the Debtors’ proposed

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.



notice and claims agent, Kurtzman Carson Consultants LLC, at <http://www.kccllc.net/windstream>. Further information may be obtained via email at WindstreamInfo@kccllc.com, or by calling toll free at 877-759-8815, or internationally at 424-236-7262.

I. CONTESTED MATTERS GOING FORWARD

1. ***Motion to Enforce Automatic Stay.*** Debtors' Motion to (I) Enforce the Automatic Stay and (II) Impose Costs and Damages [Docket No. 748].

Objection Deadline: August 13, 2019, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. The State of Florida's Response in Opposition to Debtors' Motion to (I) Enforce the Automatic Stay and (II) Impose Costs and Damages [Docket No. 923]
- B. Statement of Interest of the United States of America in Connection with (A) Debtors' Motion to (I) Enforce the Automatic Stay and (II) Impose Costs and Damages; and (B) State of Florida's Motion for Entry of an Order Finding That: (1) the State's Request to Intervene in the State Court Litigation Does Not Violate the Automatic Stay; and, (2) the Automatic Stay Will Not Apply to the State Court Litigation Once the State Court Allows Such Intervention [Docket No. 927]

Related Documents:

- C. Notice of Rescheduled Hearing [Docket No. 826].

Status: This matter is going forward.

2. ***Florida AG's Stay Motion.*** The State of Florida's Motion for Entry of an Order Finding That: (1) the State's Request to Intervene in the State Court Litigation Does Not Violate the Automatic Stay; and, (2) the Automatic Stay Will Not Apply to the State Court Litigation Once the State Court Allows Such Intervention [Docket No. 760].

Objection Deadline: August 13, 2019, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Statement of Interest of the United States of America in Connection with (A) Debtors' Motion to (I) Enforce the Automatic Stay and (II) Impose Costs and Damages; and (B) State of Florida's Motion for Entry of an Order Finding That: (1) the State's Request to Intervene in the State Court Litigation Does Not Violate the

Automatic Stay; and, (2) the Automatic Stay Will Not Apply to the State Court Litigation Once the State Court Allows Such Intervention [Docket No. 927]

- B. Debtors' Objection to The State of Florida's Motion for Entry of an Order Finding That: (1) the State's Request to Intervene in the State Court Litigation Does Not Violate the Automatic Stay; and, (2) the Automatic Stay Will Not Apply to the State Court Litigation Once the State Court Allows Such Intervention [Docket No. 928].

Related Documents:

- C. Notice of Rescheduled Hearing [Docket No. 826].

Status: This matter is going forward.

3. ***365(d)(4) Applicability Motion.*** Debtors' Motion to Stay Purported Application of the Deadline Under Section 365(d)(4) of the Bankruptcy Code to the Uniti Arrangement [Docket No. 848].

Objection Deadline: August 13, 2019, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Objection of Uniti to the Debtors' Motion to Stay [Docket No. 912].

Related Documents:

- B. Notice of Presentment of Stipulation and Agreed Order to Extend the Deadline Under Section 365(d)(4) of the Bankruptcy Code as to the Uniti Master Lease [Docket No. 900].
- i. Certificate of No Objection Regarding Stipulation and Agreed Order to Extend the Deadline Under Section 365(d)(4) of the Bankruptcy Code as to the Uniti Master Lease [Docket No. 952]

Status: The Debtors anticipate this motion will be continued, to a date to be determined, pending entry of the stipulation and agreed order.

II. MATTERS TO BE HEARD IN ADVERSARY CASE NO. 19-08279

4. ***Second Lien Noteholders' Motion to Intervene.*** The Ad Hoc Committee of Second Lien Noteholders' Motion to Intervene [Adv. Docket No. 3].

Objection Deadline: August 16, 2019, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Limited Objection of Uniti in Response to the Motions to Intervene of (1) Ad Hoc Committee of Second Lien Noteholders, (2) First Lien Ad Hoc Group, (3) Official Committee of Unsecured Creditors, and (4) UMB Bank, National Association and U.S. Bank National Association [Adv. Docket No. 16].

Related Documents:

- B. Complaint [Adv. Docket No. 1].
- C. Notice of Presentment of [Proposed] Stipulation and Agreed Order Authorizing Intervention [Adv. Docket No. 17].

Status: This matter is going forward.

- 5. ***First Lien Ad Hoc Group's Motion to Intervene.*** The First Lien Ad Hoc Group's Motion to Intervene [Adv. Docket No. 5].

Objection Deadline: August 16, 2019, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Limited Objection of Uniti in Response to the Motions to Intervene of (1) Ad Hoc Committee of Second Lien Noteholders, (2) First Lien Ad Hoc Group, (3) Official Committee of Unsecured Creditors, and (4) UMB Bank, National Association and U.S. Bank National Association [Adv. Docket No. 16].

Related Documents:

- B. Complaint [Adv. Docket No. 1].
- C. Notice of Hearing on the First Lien Ad Hoc Group's Motion to Intervene [Adv. Docket No. 6].
- D. Notice of Presentment of [Proposed] Stipulation and Agreed Order Authorizing Intervention [Adv. Docket No. 17].

Status: This matter is going forward.

- 6. ***Official Committee of Unsecured Creditors' Motion to Intervene.*** Motion of the Official Committee of Unsecured Creditors Pursuant to Federal Rule 24 and Bankruptcy Rule 7024 to Intervene in Adversary Proceeding [Adv. Docket No. 7].

Objection Deadline: August 16, 2019, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Limited Objection of Uniti in Response to the Motions to Intervene of (1) Ad Hoc Committee of Second Lien Noteholders, (2) First Lien Ad Hoc Group, (3) Official Committee of Unsecured Creditors, and (4) UMB Bank, National Association and U.S. Bank National Association [Adv. Docket No. 16].

Related Documents:

- B. Complaint [Adv. Docket No. 1].
- C. Notice of Hearing on Motion of the Official Committee of Unsecured Creditors Pursuant to Federal Rule 24 and Bankruptcy Rule 7024 to Intervene in Adversary Proceeding [Adv. Docket No. 8].
- D. Notice of Presentment of [Proposed] Stipulation and Agreed Order Authorizing Intervention [Adv. Docket No. 17].

Status: This matter is going forward.

- 7. ***Indenture Trustees' Motion to Intervene.*** Motion of UMB Bank, National Association and U.S. Bank National Association, As Indenture Trustees, to Intervene in Adversary Proceeding [Adv. Docket No. 9].

Objection Deadline: August 16, 2019, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Limited Objection of Uniti in Response to the Motions to Intervene of (1) Ad Hoc Committee of Second Lien Noteholders, (2) First Lien Ad Hoc Group, (3) Official Committee of Unsecured Creditors, and (4) UMB Bank, National Association and U.S. Bank National Association [Adv. Docket No. 16].

Related Documents:

- B. Complaint [Adv. Docket No. 1].
- C. Notice of Hearing on Motion of UMB Bank, National Association and U.S. Bank National Association, As Indenture Trustees, to Intervene in Adversary Proceeding [Adv. Docket No. 10].
- D. Notice of Presentment of [Proposed] Stipulation and Agreed Order Authorizing Intervention [Adv. Docket No. 17].

Status: This matter is going forward.

III. UNCONTESTED MATTERS GOING FORWARD

8. ***Information Sharing Protocol Motion.*** Joint Motion of the Debtors and the Creditors' Committee for Entry of an Order Establishing Creditor Information Sharing Procedures and Protocols Under 11 U.S.C. §§ 105(A), 107(B), and 1102(B)(3)(A) [Docket No. 830].

Objection Deadline: August 13, 2019, at 4:00 p.m. (prevailing Eastern Time).

Responses Received: None.

Related Documents: None.

Status: This matter is going forward.

9. ***New York State Department of Taxation and Finance Settlement.*** Notice of Presentment of the Debtors' Motion for Entry of an Order Approving the Settlement Agreement Between the Debtors and the New York State Department of Taxation and Finance [Docket No. 877].

Objection Deadline: August 13, 2019, at 4:00 p.m. (prevailing Eastern Time).

Responses Received: None.

Related Documents:

- A. Certificate of No Objection Regarding Notice of Presentment of the Debtors' Motion for Entry of an Order Approving the Settlement Agreement Between the Debtors and the New York State Department of Taxation and Finance [Docket No. 953].

Status: Unless entered prior to the hearing, this matter is set for presentment.

10. ***365(d)(4) Stipulation.*** Notice of Presentment of Stipulation and Agreed Order to Extend the Deadline Under Section 365(d)(4) of the Bankruptcy Code as to the Uniti Master Lease [Docket No. 900].

Objection Deadline: August 14, 2019, at 4:00 p.m. (prevailing Eastern Time).

Responses Received: None.

Related Documents:

- A. Certificate of No Objection Regarding Stipulation and Agreed Order to Extend the Deadline Under Section 365(d)(4) of the Bankruptcy Code as to the Uniti Master Lease [Docket No. 952].

Status: Unless entered prior to the hearing, this matter is set for presentment.

11. ***Citibank Stipulation*** Notice of Presentment of Stipulation and Agreed Order for Limited Relief from the Automatic Stay to Effectuate a Setoff [Docket No. 907].

Objection Deadline: August 19, 2019, at 4:00 p.m. (prevailing Eastern Time).

Responses Received: None.

Related Documents: None.

Status: This matter is set for presentment.

12. ***Jicarilla Apache Nation's Stay Motion.*** Amended Motion for Relief from Automatic Stay [Docket No. 686].

Objection Deadline: July 23, 2019, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Reservation of Rights and Response to Amended Motion of Jicarilla Apache Nation for Relief from Automatic Stay [Docket No. 823].
- B. Debtors' Objection to Motion to Lift Stay of Pending Litigation Against Valor Telecommunications of Texas, LLC, CSL New Mexico System, LLC, Windstream Holdings, Inc., and Certain Non-Debtor Affiliates [Docket No. 835].

Related Documents:

- C. Jicarilla Apache Nation's Reply in Support of Amended Motion for Relief from Automatic Stay [Docket No. 849].
- D. Notice of Filing of Proposed Agreed Order Granting Jicarilla Apache Nation Limited Relief from the Automatic Stay [Docket No. 951]

Status: This matter is going forward.

IV. **CONTINUED MATTERS**

13. ***Indenture Trustees' Motion.*** Motion of UMB Bank, National Association and U.S. Bank National Association, as Indenture Trustees, (I) to Strike the Uniti Master Lease from the Debtors' Schedule G and (II) to Modify the Cash Management Order [Docket No. 728].

Objection Deadline: July 19, 2019, at 4:00 p.m. (prevailing Eastern Time);
extended to August 13, 2019, at 4:00 p.m. (prevailing Eastern Time).

Responses Received:

- A. Debtors' Preliminary Objection to the Motion of UMB Bank, National Association and U.S. Bank National Association, as Indenture Trustees, (I) to Strike the Uniti Master Lease from the Debtors' Schedule G and (II) to Modify the Cash Management Order [Docket No. 746].
- B. Statement of the Ad Hoc Committee of Second Lien Noteholders in Response to the Motion of UMB Bank, National Association and U.S. Bank National Association, as Indenture Trustees, (I) to Strike the Uniti Master Lease from the Debtors' Schedule G and (II) to Modify the Cash Management Order [Docket No. 758].
- C. First Lien Ad Hoc Group's Statement in Support of Debtors' Preliminary Objection to the Motion of UMB Bank, National Association and U.S. Bank National Association, as Indenture Trustees, (I) to Strike the Uniti Master Lease from the Debtors' Schedule G and (II) to Modify the Case Management Order [Docket No. 761].
- D. Objection of Uniti to Motion of UMB Bank, National Association and U.S. Bank National Association [Docket No. 824].
- E. Declaration of Eli J. Vonnegut in Support of Uniti's Objection to the Motion of UMB Bank, National Association and U.S. Bank National Association [Docket No. 825].

Related Documents:

- F. Memorandum of Law in Support of the Motion to Strike Master Lease from Schedules and Modify Cash Management Order [Docket No. 729].
- G. Declaration of Julia M. Winters in Support of Motion to Strike Master Lease from Schedules and Modify Cash Management Order [Docket No. 730].
- H. Letter to Hon. Robert D. Drain from J. Christopher Shore Letter Requesting Telephonic Conference [Docket No. 775].
- I. Letter to Court [Docket No. 820].
- J. Notice of Adjournment of Hearing on Motion of UMB Bank, National Association and U.S. Bank National Association, as Indenture Trustees, (I) to Strike the Uniti Master Lease from the Debtors' Schedule G and (II) to Modify the Cash Management Order [Docket No. 840].

- K. Notice of Adjournment of Hearing on Motion of UMB Bank, National Association and U.S. Bank National Association, as Indenture Trustees, (I) to Strike the Uniti Master Lease from the Debtors' Schedule G and (II) to Modify the Case Management Order [Docket No. 950].

Status: This matter is adjourned to the September 27, 2019 hearing.

14. ***UCC's Standing Motion.*** Motion of the Official Committee of Unsecured Creditors for (I) Leave, Standing, and Authority to Commence and Prosecute Certain Claims and Causes of Action on Behalf of Debtors' Estates and (II) Consent Rights to Settlement [Docket No. 786].

Objection Deadline: September 20, 2019, at 4:00 p.m. (prevailing Eastern Time);

Responses Received: None.

Related Documents:

- A. Declaration of Lorenzo Marinuzzi in Support of Motion of the Official Committee of Unsecured Creditors for (I) Leave, Standing, and Authority to Commence and Prosecute Certain Claims and Causes of Action on Behalf of Debtors' Estates and (II) Consent Rights to Settlement [Docket No. 787].
- B. Notice of Adjournment of Hearing on Motion of the Official Committee of Unsecured Creditors for (I) Leave, Standing, and Authority to Commence and Prosecute Certain Claims and Causes of Action on Behalf of Debtors' Estates and (II) Consent Rights to Settlement [Docket No. 821].
- C. Notice of Adjournment of Hearing on Motion of the Official Committee of Unsecured Creditors for (I) Leave, Standing, and Authority to Commence and Prosecute Certain Claims and Causes of Action on Behalf of Debtors' Estates and (II) Consent Rights to Settlement [Docket No. 919].

Status: This matter is continued to the September 27, 2019 hearing.

Dated: August 19, 2019
New York, New York

/s/ Stephen E. Hessler

Stephen E. Hessler, P.C.

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