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

In re:

WINDSTREAM HOLDINGS, INC., *et al.*,¹
Debtors.

WINDSTREAM HOLDINGS, INC., and
WINDSTREAM SERVICES, LLC,
Plaintiffs,

vs.

UNITI GROUP INC., *et al.*,
Defendants.

UNITI GROUP INC., *et al.*,
Third-Party Plaintiffs,

vs.

CAVALIER TELEPHONE, LLC, *et al.*,
Third-Party Defendants.

Chapter 11

Case No. 19-22312 (RDD)
(Jointly Administered)

Adv. Pro. No. 19-08279 (RDD)

**DECLARATION OF ELLIOT MOSKOWITZ IN SUPPORT OF DEFENDANTS'
MOTION *IN LIMINE* TO PRECLUDE CERTAIN TESTIMONY OF JEFFERY SMALL**

¹ The last four digits of Debtor Windstream Holdings, Inc.'s tax identification number are 7717. A complete list of the debtor entities and the last four digits of their federal tax identification numbers may be obtained on the website of the Debtors' claims and noticing agent at <http://www.kccllc.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.



I, Elliot Moskowitz, hereby declare:

1. I am an attorney-at-law in the State of New York and a partner at the firm of Davis Polk & Wardwell LLP, attorneys for the Defendants. I submit this declaration in support of the Defendants' Motion in *Limine* to Preclude Certain Testimony of Jeffery Small.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the transcript of the deposition of Jeffery Small, President of Kinetic, Windstream's ILEC business unit, in both his individual capacity and as the Fed. R. Civ. P. 30(b)(6) designated corporate representative of Windstream, taken on February 5, 2020 in this adversary proceeding.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: February 26, 2020
New York, New York

/s/ Elliot Moskowitz
Elliot Moskowitz

Exhibit 1

**THE REMAINDER OF THIS EXHIBIT HAS BEEN DESIGNATED
HIGHLY CONFIDENTIAL AND HAS BEEN FILED UNDER SEAL**