

Hearing Date and Time: June 24, 2020 at 10:00 a.m.
Objection Deadline: June 17, 2020

SAUL EWING ARNSTEIN & LEHR LLP

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Attorneys for Element Fleet Corporation

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

	X	
	:	
In re	:	Chapter 11
	:	
WINDSTREAM HOLDINGS, INC., <i>et al.</i> ,	:	Case No. 19–22312 (RDD)
	:	
Debtors.	:	Jointly Administered
	:	
	X	Related to Docket Nos. 1812, 1973 and 2080

**SUPPLEMENT TO LIMITED OBJECTION OF ELEMENT FLEET
CORPORATION TO CONFIRMATION OF THE FIRST AMENDED JOINT
CHAPTER 11 PLAN OF REORGANIZATION OF WINDSTREAM HOLDINGS, INC.
ET AL., PURSUANT TO CHAPTER 11 OF THE BANKRUPTCY CODE**

Element Fleet Corporation (“Element Fleet”) hereby supplements its objection [Docket No. 2080] (the “Limited Objection”) to the Joint Plan¹ and the Plan Supplement as follows:

1. Element Fleet is entitled under the terms of the Vehicle Lease and the Services Agreement to charge and collect from Windstream costs and expenses incurred in connection with the protection of its rights and the enforcement of obligations thereunder.

¹ Capitalized terms not defined herein shall have the meanings given to them in the Limited Objection.



2. During the course of this chapter 11 case Element Fleet has incurred fees and costs which have been and/or will be billed to Windstream in the ordinary course of the parties' billing processes. The approximate amount of such fees and costs as of this date is \$46,727.93.

3. Out of an abundance of caution Element Fleet is making the existence of such amounts known in the context of the inclusion of the Vehicle Lease and Services Agreement on the Assumed Contract List in connection with the "cure claim" associated therewith.

4. In addition, Element Fleet submits that confirmation of the Join Plan must not impair Element Fleet's rights to charge and collect fees and costs or any other amounts incurred post-bankruptcy but which may not have been billed and/or if billed may not have become due and owing as of confirmation.

WHEREFORE, Element Fleet respectfully supplements its Limited Objection as set forth herein and requests such relief as is just and proper.

Dated: June 17, 2020

SAUL EWING ARNSTEIN & LEHR LLP

By: /s/ John D. Demmy
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Debtors.	:	Jointly Administered
	X	

CERTIFICATE OF SERVICE

I, John D. Demmy, hereby certify that on June 17, 2020, I caused a copy of the foregoing *Supplement to Limited Objection of Element Fleet Corporation to Confirmation of the First Amended Joint Chapter 11 Plan of Reorganization of Windstream Holdings, Inc. et al., Pursuant to Chapter 11 of the Bankruptcy Code* to be served electronically with the Court and served through the Court’s CM/ECF system upon all registered electronic filers appearing in this case who consented to electronic service and on the parties on the attached service list in the manner indicated therein.

SAUL EWING ARNSTEIN & LEHR LLP

By: /s/ John D. Demmy

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Dated: June 17, 2020

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