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CLMAGT, Lead, MEGA, JtAdm, PENAP, APPEAL, Mediation, SchedF

U.S. Bankruptcy Court Southern District of New York (White Plains) Bankruptcy Petition #: 19–22312–rdd

Assigned to: Judge Robert D. Drain

Chapter 11 Voluntary

Asset

Debtor

Windstream Holdings, Inc. 4001 North Rodney Parham Road

Little Rock, AR 72212 PULASKI-AR

Tax ID / EIN: 46-2847717

represented by Stephen Hessler

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Date filed: 02/25/2019 Plan confirmed: 06/26/2020

341 meeting: 06/04/2019

Deadline for filing claims: 07/15/2019

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Creditor Committee Peter Spuler, Jr. Communications Industry

Communications Industry Technical Consul 10800 Blackpowder Court Fort Washington, MD 20744

Filing Date	#	Docket Text
03/25/2019	<u>173</u>	Transcript regarding Hearing Held on 02/26/19 2:08 PM RE: Notice Of Hearing / Notice Of Commencement Of Chapter 11 Cases And Hearing On First Day Motions (Document #27).; Motion To Approve / Debtors Motion For Entry Of An Order Directing Joint Administration Of Chapter 11 Cases (Document #17).; Debtors' Motion Seeking Entry Of An Order Authorizing The Debtors To (I) Restrict Access To Certain Confidential Fee Letters Related To Proposed Debtor—In—Possession Financing And (II) Redact Certain Terms Of The DIP Motion And Nicholas Leone Declaration Filed By Stephen Hessler On Behalf Of Windstream Holdings, Inc. (Document #30).; etc. Remote electronic access to the transcript is restricted until 6/24/2019. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext Legal Solutions.]. (See the Courts Website for contact information for the Transcription Service Agency.) (RE: related document(s) 2, 10, 4, 31, 6, 23, 13, 11, 30, 12, 27, 25, 7, 17, 9, 5, 3, 15). Notice of Intent to Request Redaction Deadline Due By 4/1/2019. Statement of Redaction Request Due By 4/15/2019. Redacted Transcript Submission Due By 4/25/2019. Transcript access will be restricted through 6/24/2019. (Ramos, Jonathan) (Entered: 03/25/2019)
04/08/2019	242	Objection to Motion <i>Limited Objection of U.S. Bank National Association solely in its capacity as Unsecured Notes Indenture Trustee, to Amended Motion for DIP Financing</i> (related document(s) <u>42</u>) filed by Walter H. Curchack on behalf of US Bank National Association. (Attachments: # <u>1</u> Certificate of Service) (Curchack, Walter) (Entered: 04/08/2019)
04/22/2019	376	Final Order Signed on 4/22/2019 (A) Authorizing the Debtors to Obtain Postpetition Financing, (B) Authorizing the Debtors to Use Cash Collateral, (C) Granting Liens and proving Superpriority and Administrative Expense Sttus, (D) Granting Adequate Protection to the Prepetition Secured Parties, (E) Modifying the Automatic Stay, and Granting Related Related (Related Doc # 31). (Li, Dorothy) (Entered: 04/22/2019)

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05/24/2019	<u>573</u>	Confidentiality Agreement and Stipulated Protective Order signed on 5/24/2019. (Vargas, Ana) (Entered: 05/24/2019)
06/28/2019	72	Motion to Strike Master Lease from Schedules and Modify Cash Management Order/ Notice of Indenture Trustees' Motion to Strike Master Lease from Schedules and Modify Cash Management Order (related document(s)382) filed by J. Christopher Shore on behalf of UMB Bank, National Association, as successor indenture trustee, US Bank National Association. (Shore, J.) (Entered: 06/28/2019)
06/28/2019	72'	Memorandum of Law in Support of the Motion to Strike Master Lease from Schedules and Modify Cash Management Order (related document(s)728) filed by J. Christopher Shore on behalf of UMB Bank, National Association, as successor indenture trustee, US Bank National Association. (Shore, J.) (Entered: 06/28/2019)
07/12/2019	78	Motion to Allow/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 filed by Lorenzo Marinuzzi on behalf of Official Committee of Unsecured Creditors with hearing to be held on 7/26/2019 at 01:30 PM at Courtroom TBA, White Plains Courthouse (RDD) Objections due by 7/23/2019,. (Attachments: # 1 Exhibit A) (Marinuzzi, Lorenzo) (Entered: 07/12/2019)
07/30/2019	87-	Order signed on 7/30/2019 Granting Motion Appointing a Mediator. Mediator must be appointed by 8/6/2019 (Related Doc # 803). (Vargas, Ana) (Entered: 07/30/2019)
01/29/2020	14.	Transcript regarding Hearing Held on 04/16/19 At 11:33 AM RE: Notice Of Agenda/ Agenda For Second Day Hearing Statement / Notice Of Filing Of Superpriority Secured Debtor–In–Possession Credit Agreement (Related Document(S)42).; Limited Objection Of Santander Bank, N.A. To Debtors Amended Motion For Entry Of Interim And Final Orders Pursuant 11 U.S.C. 105, 361, 362, 363, 364, 503 And 507 (I) Authorizing The Debtors To Obtain Senior Secured Superpriority Postpetition Financing, (Ii) Granting Liens And Superpriority Administrative Expense Claims, (Ill) Authorizing Use Of Cash Collateral, (Iv) Granting Adequate Protection, (V) Modifying The Automatic Stay, (Vi) Scheduling A Final Hearing, And (Vii) Granting Related Relief (Related Document(S)42).; Final Hearing On The Motion Authorizing The Debtors To Pay Certain Prepetition Claims Of (I) Critical Vendors, (Ii) Lien Claimants, And (Iii) Section 503(B)(9) Claimants In The Ordinary Course Of Business On A Postpetition Basis (Related Document(S)16).; Etc. Remote electronic access to the transcript is restricted until 4/28/2020. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext Legal Solutions.]. (See the Courts Website for contact information for the Transcription Service Agency.) (RE: related document(s) 113, 16, 192, 315, 194, 75, 314, 23, 13, 228, 42, 11, 195, 313, 311, 188, 190, 193, 18, 7, 186, 131, 9, 184, 5, 3, 196). Notice of Intent to Request Redaction Deadline Due By 2/5/2020. Statement of Redaction Request Due By 2/19/2020. Redacted Transcript Submission Due By 3/2/2020. Transcript access will be restricted through 4/28/2020. (Ramos, Jonathan) (Entered: 01/29/2020)
03/02/2020	15.	Statement / Notice of Filing of Plan Support Agreement filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 03/02/2020)

03/06/2020	1558	Motion to Approve / Debtors' Motion for Entry of an Order Approving the Settlement Between the Debtors and Uniti Group Inc., Including (I) the Sale of Certain of the Debtors' Assets Pursuant to Section 363(b) and (II) the Assumption of the Leases Pursuant to Section 365(a) filed by Stephen Hessler on behalf of Windstream Holdings, Inc. with hearing to be held on 4/3/2020 at 10:00 AM at Courtroom TBA, White Plains Courthouse (RDD) Responses due by 3/27/2020,. (Hessler, Stephen) (Entered: 03/06/2020)
03/09/2020	1559	Statement / Notice of Filing of Amended Plan Support Agreement (related document(s)1533) filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 03/09/2020)
03/16/2020	1584	Statement / Notice of Filing of Second Amended Plan Support Agreement (related document(s)1533, 1559) filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 03/16/2020)
04/01/2020	1631	Chapter 11 Plan / Joint Chapter 11 Plan of Reorganization of Windstream Holdings, Inc. et al., Pursuant to Chapter 11 of the Bankruptcy Code filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 04/01/2020)
04/01/2020	1632	Disclosure Statement / Disclosure Statement Relating to the Joint Chapter 11 Plan of Reorganization of Windstream Holdings, Inc. et al., Pursuant to Chapter 11 of the Bankruptcy Code (related document(s)1631) filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 04/01/2020)
04/02/2020	1636	Letter to Judge Drain Responding to Committee's Letter Requesting Conference Regarding Discovery Disputes Concerning Uniti 9019 Settlement Motion (related document(s)1558) Filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 04/02/2020)
04/20/2020	1697	Statement / Notice of Filing of Definitive Document (related document(s)1558) filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 04/20/2020)
04/21/2020	1703	Statement / Second Notice of Filing of Definitive Document (related document(s)1558, 1697) filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 04/21/2020)
04/22/2020	1704	Statement / Third Notice of Filing of Definitive Documents (related document(s)1558) filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 04/22/2020)
04/30/2020	1722	Statement / Notice of Filing of Exhibits to the Disclosure Statement Relating to the Joint Chapter 11 Plan of Reorganization of Windstream Holdings, Inc. et al., Pursuant to Chapter 11 of the Bankruptcy Code (related document(s)1632) filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 04/30/2020)
05/03/2020	1747	Affidavit <i>Declaration of Anthony Thomas</i> Filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 05/03/2020)
05/11/2020	1804	

		Transcript regarding Hearing Held on 05/07/2020 At 10:15 AM RE: Debtors' Motion For Entry Of An Order Approving The Settlement Between The Debtors And Uniti Group Inc., Including (I) The Sale Of Certain Of The Debtors Assets Pursuant To Section 363(B) And (II) The Assumption Of The Leases Pursuant To Section 365(A)(ECF 1558).; Objection Of The Official Committee Of Unsecured Creditors To Debtors' Motion For Entry Of An Order Approving The Settlement Between The Debtors And Uniti Group Inc., Including (I) The Sale Of Certain Of The Debtors' Assets Pursuant To Section 363(B) And (II) The Assumption Of The Leases Pursuant To Section 365(A) (Related Document(S)1558 (ECF #1740).; Etc. Remote electronic access to the transcript is restricted until 8/10/2020. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext Legal Solutions.]. (See the Courts Website for contact information for the Transcription Service Agency.) (RE: related document(s) 1579, 1558, 1735, 1726, 1724, 1742, 1745, 1734, 1744, 1743, 1749, 1633, 1764, 1741, 1738, 1740). Notice of Intent to Request Redaction Deadline Due By 5/18/2020. Statement of Redaction Request Due By 6/1/2020. Redacted Transcript Submission Due By 6/11/2020. Transcript access will be restricted through 8/10/2020. (Ramos, Jonathan) (Entered: 05/12/2020)
05/12/2020	1807	Order Signed on 5/12/2020 Granting Motion Approving the Settlement Between the Debtors and Uniti Group Inc., Including (I) the Sale of Certain of the Debtors' Assets Pursuant to Section 363(b) and (II) the Assumption of the Leases Pursuant to Section 365(a) (Related Doc # 1558). (Li, Dorothy) (Entered: 05/12/2020)
05/14/2020	1812	Amended Plan / First Amended Joint Chapter 11 Plan of Reorganization of Windstream Holdings, Inc. et al., Pursuant to Chapter 11 of the Bankruptcy Code (Solicitation Version) (related document(s)1781, 1631) filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 05/14/2020)
05/14/2020	1813	Amended Disclosure Statement / Disclosure Statement Relating to the First Amended Joint Chapter 11 Plan of Reorganization of Windstream Holdings, Inc. et al., Pursuant to Chapter 11 of the Bankruptcy Code (Solicitation Version) (related document(s)1632, 1782) filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 05/14/2020)
05/22/2020	1915	Letter / Letter in Response to Joint Letter to the Court by Committee and Trustees regarding Discovery and Schedule for Confirmation Hearing (related document(s)1841) Filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 05/22/2020)
06/03/2020	1973	Chapter 11 Plan / Notice of Filing of Plan Supplement filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 06/03/2020)
06/08/2020	1988	Transcript regarding Hearing Held on 05/08/2020 At 1:58 PM RE: Trial Continues From May 7, 2020. Remote electronic access to the transcript is restricted until 9/8/2020. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext Legal Solutions.]. (See the Courts Website for contact information for the Transcription Service Agency.). Notice of Intent to Request Redaction Deadline Due By 6/15/2020. Statement of Redaction Request Due By 6/29/2020. Redacted Transcript Submission Due By 7/9/2020. Transcript access will be restricted through 9/8/2020. (Ramos, Jonathan) (Entered: 06/08/2020)

06/19/2020	2159	Objection of the Official Committee of Unsecured Creditors 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 (related document(s)2157, 1812) filed by Lorenzo Marinuzzi on behalf of Official Committee of Unsecured Creditors. with hearing to be held on 6/24/2020 (check with court for location) (Marinuzzi, Lorenzo) (Entered: 06/19/2020)
06/19/2020	2161	Declaration of Lorenzo Marinuzzi in Support of Objection of the Official Committee of Unsecured Creditors 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 (related document(s)2157, 2159) filed by Lorenzo Marinuzzi on behalf of Official Committee of Unsecured Creditors. with hearing to be held on 6/24/2020 (check with court for location) (Marinuzzi, Lorenzo) (Entered: 06/19/2020)
06/19/2020	2162	Objection to Confirmation of Amended Plan / First Amended Joint Chapter 11 Plan of Reogranization of Windstream Holdings Inc. et. al., Pursuant to Chapter 11 of the Bankruptcy Code (related document(s)1812) filed by J. Christopher Shore on behalf of UMB Bank, National Association, as successor indenture trustee, US Bank National Association. (Shore, J.) (Entered: 06/19/2020)
06/19/2020	2163	Declaration of Julia M. Winters in Support of UMB Bank, National Association and U.S. Bank National Association as indenture trustees, to the First Amended Joint Chapter 11 Plan of Reorganization of Windstream Holdings, Inc. et. al., Pursuant to Chapter 11 of the Bankruptcy Code (related document(s)1812, 2162) filed by J. Christopher Shore on behalf of UMB Bank, National Association, as successor indenture trustee, US Bank National Association. (Attachments: #1 Exhibit A (Redacted) #2 Exhibit B – (Redacted) #3 Exhibit C – (Redacted) #4 Exhibit D #5 Exhibit E #6 Exhibit F #7 Exhibit G – (Redacted) #8 Exhibit H – (Redacted) #9 Exhibit I – (Redacted) #10 Exhibit J – (Redacted) #11 Exhibit K – (Redacted) #12 Exhibit L #13 Exhibit M #14 Exhibit N – (Redacted) #15 Exhibit O – (Redacted)) (Shore, J.) (Entered: 06/19/2020)
06/21/2020	2171	Declaration of David Hartie Regarding the Solicitation and Tabulation of Votes on the First Amended Joint Chapter 11 Plan of Reorganization of Windstream Holdings, Inc. et al., Pursuant to Chapter 11 of the Bankruptcy Code filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 06/21/2020)
06/21/2020	2172	Declaration / Direct Examination Declaration of Kevin Nystrom (related document(s)2159) filed by Lorenzo Marinuzzi on behalf of Official Committee of Unsecured Creditors. with hearing to be held on 6/24/2020 (check with court for location) (Marinuzzi, Lorenzo) (Entered: 06/21/2020)
06/21/2020	2174	Declaration of Nicholas Leone (FILED UNDER SEAL) filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 06/21/2020)
06/21/2020	2175	Declaration <i>of Nicholas Grossi (FILED UNDER SEAL)</i> filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 06/21/2020)
06/21/2020	2176	

		Declaration of Anthony Thomas filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 06/21/2020)
06/22/2020	2177	Statement /Joinder to Objection of UMB Bank, National Association and U.S. Bank National Association, as Indenture Trustees, to the First Amended Joint Chapter 11 Plan of Reorganization of Windstream Holdings, et al., Pursuant to Chapter 11 of the Bankruptcy Code (related document(s)2162) filed by Jeffrey R. Gleit on behalf of CQS (US), LLC. (Gleit, Jeffrey) (Entered: 06/22/2020)
06/22/2020	2180	Memorandum of Law / Debtors (I) Brief in Support of 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, and (II) Omnibus Reply to Confirmation Objections filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 06/22/2020)
06/22/2020	2181	Declaration / Declaration of Richard U.S. Howell, P.C. in Support of Debtors' (I) Brief in Support of 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, and (II) Omnibus Reply to Confirmation Objections (Filed Under Seal) filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 06/22/2020)
06/22/2020	2192	Response / The First Lien Ad Hoc Group's Omnibus Reply in Support of Confirmation of the Debtors' Plan of Reorganization filed by Brian S. Hermann on behalf of First Lien Ad Hoc Group. (Hermann, Brian) (Entered: 06/22/2020)
06/22/2020	2194	Statement / Notice of Filing of Corrected Table to Debtors (I) Brief in Support of 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, and (II) Omnibus Reply to Confirmation Objections (related document(s)2180) filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 06/22/2020)
06/22/2020	2195	Declaration of Samuel E. Lovett in Support of the First Lien Ad Hoc Group's Omnibus Reply in Support of Confirmation of the Debtors' Plan of Reorganization (related document(s)2192) filed by Brian S. Hermann on behalf of First Lien Ad Hoc Group. (Hermann, Brian) (Entered: 06/22/2020)
06/22/2020	2200	Declaration of Samuel E. Lovett in Support of the First Lien Ad Hoc Group's Omnibus Reply in Support of Confirmation of the Debtors' Plan of Reorganization (related document(s)2192) filed by Brian S. Hermann on behalf of First Lien Ad Hoc Group. (Hermann, Brian) (Entered: 06/22/2020)
06/22/2020	2201	First Amended Plan / First Amended Joint Chapter 11 Plan of Reorganization of Windstream Holdings, Inc. et al., Pursuant to Chapter 11 of the Bankruptcy Code (Technical Modifications) (related document(s)1812) filed by Stephen Hessler on behalf of Windstream Holdings, Inc with hearing to be held on 6/24/2020 at 10:00 AM at Courtroom TBA, White Plains Courthouse (RDD) (Hessler, Stephen) (Entered: 06/22/2020)
06/22/2020	2203	

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		Response / Omnibus Reply of Elliott Investment Management, L.P. to the Objections of the Official Committee of Unsecured Creditors and UMB Bank, National Association and U.S. Bank National Association, as Indenture Trustees, to First Amended Joint Chapter 11 Plan of Reorganization of Windstream Holdings, Inc. et al, Pursuant to Chapter 11 of the Bankruptcy Code filed by Keith Wofford on behalf of Elliott Investment Management, L.P with hearing to be held on 6/24/2020 at 10:00 AM at Courtroom TBA, White Plains Courthouse (RDD) (Wofford, Keith) (Entered: 06/22/2020)
06/22/2020	2204	Declaration of Keith H. Wofford in Support of the Omnibus Reply of Elliott Investment Management L.P. to the Objections of the Official Committee of Unsecured Creditors and UMB Bank, National Association and U.S. Bank National Association, as Indenture Trustees, to First Amended Joint Chapter 11 Plan of Reorganization of Windstream Holdings, Inc. et al., Pursuant to Chapter 11 of the Bankruptcy Code (related document(s)2203) filed by Keith Wofford on behalf of Elliott Investment Management, L.P with hearing to be held on 6/24/2020 at 10:00 AM at Courtroom TBA, White Plains Courthouse (RDD) (Wofford, Keith) (Entered: 06/22/2020)
06/26/2020	2243	Findings of Fact, Conclusions of Law, and Order signed on 6/26/2020 Confirming the First Amended Joint Chapter 11 Plan of Reorganization of Windstream Holdings, Inc. et al., Pursuant to Chapter 11 of the Bankruptcy Code (related document(s)2201). (Correa, Mimi) (Entered: 06/26/2020)
06/29/2020	2250	Transcript regarding Hearing Held on 06/25/2020 At 2:00 PM RE: Continuance From June 24, 2020 Confirmation Hearing – First Amended Joint Chapter 11 Plan Of Reorganization Of Windstream Holdings, Inc. Et Al., Pursuant To Chapter 11 Of The Bankruptcy Code (Technical Modifications) (Related Document(S)1812). Remote electronic access to the transcript is restricted until 9/28/2020. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Continuance From June 24, 2020 Confirmation Hearing – First Amended Joint Chapter 11 Plan Of Reorganization Of Windstream Holdings, Inc. Et Al., Pursuant To Chapter 11 Of The Bankruptcy Code (Technical Modifications) (Related Document(S)1812).]. (See the Courts Website for contact information for the Transcription Service Agency.) (RE: related document(s) 1812). Notice of Intent to Request Redaction Deadline Due By 7/6/2020. Statement of Redaction Request Due By 7/20/2020. Redacted Transcript Submission Due By 7/30/2020. Transcript access will be restricted through 9/28/2020. (Ramos, Jonathan) (Entered: 06/30/2020)
07/03/2020	2268	Notice of Appeal (related document(s) <u>2243</u>) filed by J. Christopher Shore on behalf of US Bank National Association. (Attachments: # <u>1</u> Exhibit A)(Shore, J.) (Entered: 07/03/2020)
07/03/2020	2269	Notice of Appeal (related document(s) <u>2243</u>) filed by Jeffrey R. Gleit on behalf of CQS (US), LLC. (Attachments: # <u>1</u> Exhibit A)(Gleit, Jeffrey) (Entered: 07/03/2020)
07/24/2020	2344	Counter Designation (appellee) of Additional Items to be Included in the Record on Appeal Pursuant to Fed. R. Bankr. 8009(a) (related document(s)2268) filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 07/24/2020)
07/27/2020	2347	

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	Counter Designation (appellee) <i>Debtor–Appellees' Designation of Additional Items to be Included in the Record on Appeal Pursuant to Fed. R. Bankr. 8009(a) (re CQS appeal)</i> filed by Stephen Hessler on behalf of Windstream Holdings, Inc (Hessler, Stephen) (Entered: 07/27/2020)
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PENAP, 2ndsumm

U.S. Bankruptcy Court Southern District of New York (White Plains) Adversary Proceeding #: 19–08279-rdd

Assigned to: Judge Robert D. Drain

Lead BK Case: 19–22312

Lead BK Title: Windstream Holdings, Inc.

Lead BK Chapter: 11

Demand:

Nature[s] of Suit: 21 Validity, priority or extent of lien or other interest in property

13 Recovery of money/property – 548 fraudulent transfer

02 Other (e.g. other actions that would have been brought in state court if unrelated to

bankruptcy)

91 Declaratory judgment

Plaintiff

Windstream Holdings, Inc.

4001 North Rodney Parham Road Little Rock, AR 72212 represented by Stephen Hessler

Kirkland & Ellis, LLP 601 Lexington Avenue New York, NY 10022 (212) 446–4800 Fax: (212) 446–4900

Date Filed: 07/25/19

Email: shessler@kirkland.com

LEAD ATTORNEY

Plaintiff

Windstream Services, LLC

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Tax ID / EIN: 20–0792300

represented by Stephen Hessler

(See above for address) *LEAD ATTORNEY*

V.

Defendant

Uniti Group Inc.

10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States represented by Allan S. Brilliant

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Defendant

CSL National, LP 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States represented by **Elliot Moskowitz** (See above for address)

Defendant

CSL Alabama System LLC 4001 Rodney Parham Road Little Rock, AR 72212 United States represented by **Elliot Moskowitz** (See above for address)

Defendant

CSL Arkansas System LLC 4001 Rodney Parham Road Little Rock, AR 72212 United States represented by **Elliot Moskowitz** (See above for address)

Defendant

CSL Florida System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States represented by **Elliot Moskowitz** (See above for address)

Defendant

CSL Georgia System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States represented by **Elliot Moskowitz** (See above for address)

Defendant

CSL Iowa System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States represented by **Elliot Moskowitz** (See above for address)

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CSL Kentucky System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States represented by **Elliot Moskowitz** (See above for address)

Defendant

CSL Mississippi System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States represented by **Elliot Moskowitz** (See above for address)

Defendant

CSL Missouri System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States represented by **Elliot Moskowitz** (See above for address)

Defendant

CSL New Mexico System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States represented by **Elliot Moskowitz** (See above for address)

Defendant

CSL Ohio System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States represented by **Elliot Moskowitz** (See above for address)

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CSL Oklahoma System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States represented by **Elliot Moskowitz** (See above for address)

Defendant

CSL Texas System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 represented by **Elliot Moskowitz** (See above for address)

Little Rock, AR 72211 United States

Defendant

CSL Realty LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States represented by **Elliot Moskowitz** (See above for address)

Defendant

CSL Georgia Realty LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States

represented by **Elliot Moskowitz** (See above for address)

Defendant

CSL North Carolina System LP 4001 Rodney Parham Road Little Rock, AR 72212 United States represented by **Elliot Moskowitz** (See above for address)

Defendant

CSL North Carolina Realty LP 4001 Rodney Parham Road Little Rock, AR 72212 United States represented by **Elliot Moskowitz** (See above for address)

Defendant

CSL Tennessee Realty LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States represented by **Elliot Moskowitz** (See above for address)

Creditor Committee

New York, NY 10019

Official Committee of Unsecured Creditors Morrison & Foerster LLP 250 West 55th Street

212-468-8000

represented by Lorenzo Marinuzzi

Morrison & Foerster LLP 250 West 55th Street New York, NY 10019–9601 (212) 468–8045

Fax: (212) 468–7900

Email: lmarinuzzi@mofo.com

Counter-Defendant

CSL Alabama System LLC

4001 Rodney Parham Road Little Rock, AR 72212 United States

Counter-Defendant

CSL Arkansas System LLC 4001 Rodney Parham Road Little Rock, AR 72212 United States

Counter-Defendant

CSL Florida System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States

Counter-Defendant

CSL Georgia Realty LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States

Counter-Defendant

CSL Georgia System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States

Counter-Defendant

CSL Iowa System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States

Counter-Defendant

CSL Kentucky System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States

Counter-Defendant

CSL Mississippi System LLC

10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States

Counter-Defendant

CSL Missouri System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States

Counter-Defendant

CSL National, LP 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States

Counter-Defendant

CSL New Mexico System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States

Counter-Defendant

CSL North Carolina Realty LP 4001 Rodney Parham Road Little Rock, AR 72212 United States

Counter-Defendant

CSL North Carolina System LP 4001 Rodney Parham Road Little Rock, AR 72212 United States

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CSL Ohio System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States

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CSL Oklahoma System LLC

10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States

Counter-Defendant

CSL Realty LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211

United States

Counter-Defendant

CSL Tennessee Realty LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States

Counter-Defendant

CSL Texas System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States

Counter-Defendant

Uniti Group Inc. 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States

V.

3rd Party Plaintiff

CSL Alabama System LLC 4001 Rodney Parham Road Little Rock, AR 72212 United States represented by **Elliot Moskowitz** (See above for address)

3rd Party Plaintiff

CSL Arkansas System LLC 4001 Rodney Parham Road Little Rock, AR 72212 United States represented by **Elliot Moskowitz** (See above for address)

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CSL Missouri System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 represented by **Elliot Moskowitz** (See above for address)

United States

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CSL National, LP 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211

United States

represented by Elliot Moskowitz

(See above for address)

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CSL New Mexico System LLC

10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States represented by Elliot Moskowitz

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CSL North Carolina Realty LP

4001 Rodney Parham Road Little Rock, AR 72212 United States represented by Elliot Moskowitz

(See above for address)

3rd Party Plaintiff

CSL North Carolina System LP

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CSL Ohio System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211

United States

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(See above for address)

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CSL Realty LLC

10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 represented by Elliot Moskowitz

(See above for address)

United States

3rd Party Plaintiff

CSL Tennessee Realty LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States represented by **Elliot Moskowitz** (See above for address)

3rd Party Plaintiff

CSL Texas System LLC 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States represented by **Elliot Moskowitz** (See above for address)

3rd Party Plaintiff

Uniti Group Inc. 10802 Executive Center Drive Benton Bldg., Ste 300 Little Rock, AR 72211 United States represented by **Elliot Moskowitz** (See above for address)

3rd Pty Defendant

Windstream Kerrville Long Distance, LLC 4001 North Rodney Parham Road Little Rock, AR 72212

Tax ID / EIN: 74–2228603

3rd Pty Defendant

KDL Holdings, LLC 4001 North Rodney Parham Road

Little Rock, AR 72212 Tax ID / EIN: 48–1251032

3rd Pty Defendant

Windstream Western Reserve, LLC 4001 North Rodney Parham Road

Little Rock, AR 72212 Tax ID / EIN: 34–0614000

3rd Pty Defendant

Windstream Sugar Land, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 74–0672235

Windstream Standard, LLC 4001 North Rodney Parham Road Little Rock, Ar 72212 Tax ID / EIN: 58–0445370

3rd Pty Defendant

Windstream Oklahoma, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 71–0406211

3rd Pty Defendant

Windstream Ohio, LLC 4001 North Rodney Parham Road Little Rock, AR 72212

Tax ID / EIN: 31–4265290

3rd Pty Defendant

Windstream NuVox, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 57–1072836

3rd Pty Defendant

Windstream NuVox Oklahoma, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 43–1850572

3rd Pty Defendant

Windstream NuVox Ohio, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 43–1861151

3rd Pty Defendant

Windstream NuVox Missouri, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 43–1830184

3rd Pty Defendant

Windstream NuVox Kansas, LLC 4001 North Rodney Parham Road

Little Rock, AR 72212 Tax ID / EIN: 43-1830186

3rd Pty Defendant

Windstream NuVox Indiana, LLC

4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 43-1861150

3rd Pty Defendant

Windstream NuVox Ilinois, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 43-1861148

3rd Pty Defendant

Windstream NuVox Arkansas, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 43-1830185

3rd Pty Defendant

Windstream NTI, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 39-1712867

3rd Pty Defendant

Windstream North Carolina, LLC 4001 North Rodney Parham Road Little Rock, AR 72212

Tax ID / EIN: 56-0509132

3rd Pty Defendant

Windstream Norlight, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 61-0927928

3rd Pty Defendant

Windstream Montezuma, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 42-0422100

Windstream Missouri, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 43–0690837

3rd Pty Defendant

Windstream Mississippi, LLC 4001 North Rodney Parham Road Little Rock, AR 72212

Tax ID / EIN: 64-0323983

3rd Pty Defendant

Windstream Lexcom Communications, LLC

4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 56–0298450

3rd Pty Defendant

Windstream Kentucky West, LLC

4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 61–0487133

3rd Pty Defendant

Windstream Kentucky East, LLC 4001 North Rodney Parham Road Little Rock, AR 72212

Tax ID / EIN: 73-1621772

3rd Pty Defendant

Windstream KDL, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 61–1196739

3rd Pty Defendant

Windstream IT-Comm, LLC 4001 North Rodney Parham Road Little Rock, AR 72212

Tax ID / EIN: 35-2256532

3rd Pty Defendant

Windstream Iowa-Comm, LLC 4001 North Rodney Parham Road

Little Rock, AR 72212 Tax ID / EIN: 42-1525756

3rd Pty Defendant

Windstream Iowa Communications, LLC 4001 North Rodney Parham Road Little Rock, AR 72212

Tax ID / EIN: 27-1635465

3rd Pty Defendant

Windstream Georgia, LLC 4001 North Rodney Parham Road Little Rock, AR 72212

Tax ID / EIN: 58-0202560

3rd Pty Defendant

Windstream Georgia Telephone, LLC

4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 58-0802675

3rd Pty Defendant

Windstream Georgia Communications, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 58-2046299

3rd Pty Defendant

Windstream Florida, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 59-0717786

3rd Pty Defendant

Windstream D&E Systems, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 23-2971125

3rd Pty Defendant

Windstream Concord Telephone, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 56-0186420

Windstream Communications, LLC

4001 North Rodney Parham Road Little Rock, AR 72212

Tax ID / EIN: 20-3767982

3rd Pty Defendant

Windstream Communications Telecom, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 74-2955898

3rd Pty Defendant

Windstream Communications Kerrville,

4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 74-0724580

3rd Pty Defendant

Windstream Cavalier, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 54-1946546

3rd Pty Defendant

Windstream Arkansas, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 71-0400407

3rd Pty Defendant

Windstream Alabama, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 63-0364952

3rd Pty Defendant

Windstream Accucomm **Telecommunications, LLC** 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 58-0641816

3rd Pty Defendant

Valor Telecommunications of Texas, LLC

4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 52-2194219

3rd Pty Defendant

US LEC of Pennsylvania LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 56-2117625

3rd Pty Defendant

US LEC of North Carolina LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 56-2091767

3rd Pty Defendant

US LEC of Alabama LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 56-2104211

3rd Pty Defendant

US LEC Communications LLC

4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 56-2162051

3rd Pty Defendant

Trinet, LLC

4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 58-2183044

3rd Pty Defendant

The Other Phone Company, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 65-0705374

3rd Pty Defendant

Texas Windstream, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 75-0984391

Talk America, LLC

4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 23–2582790

3rd Pty Defendant

PAETEC iTel, L.L.C.

4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 47–0903254

3rd Pty Defendant

PaeTec Communications, LLC 4001 North Rodney Parham Road Little Rock, AR 72212

Tax ID / EIN: 16–1551095

3rd Pty Defendant

Oklahoma Windstream, LLC 4001 North Rodney Parham Road Little Rock, AR 72212

Tax ID / EIN: 73–0630965

3rd Pty Defendant

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Network Telephone, LLC 4001 North Rodney Parham Road Little Rock, AR 72212

Tax ID / EIN: 59-3477521

3rd Pty Defendant

McLeodUSA Telecommunications Services, L.L.C.

4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 42–1407242

3rd Pty Defendant

MalaadiiCA Dunahasina I I C

McLeodUSA Purchasing, L.L.C. 4001 North Rodney Parham Road Little Rock, AR 72212

Tax ID / EIN: 42–1501014

3rd Pty Defendant

Sra I ty Dejenaam

McLeodUSA Information Services LLC

4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 76-0529757

3rd Pty Defendant

LDMI Telecommunications, LLC

4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 38-2940840

3rd Pty Defendant

IWA Services, LLC 4001 North Rodney Parham Road Little Rock, AR 72212

Tax ID / EIN: 20-8346096

3rd Pty Defendant

Iowa Telecom Technologies, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 47-0937013

3rd Pty Defendant

Intellifiber Networks, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 54-1861675

3rd Pty Defendant

Georgia Windstream, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 38-2027315

3rd Pty Defendant

D&E Communications, LLC 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 27-0147149

3rd Pty Defendant

Cavalier Telephone, L.L.C. 4001 North Rodney Parham Road Little Rock, AR 72212 Tax ID / EIN: 54-1914822

Cavalier Telephone Mid-Atlantic, L.L.C. 4001 North Rodney Parham Road Little Rock, AR 72212

Tax ID / EIN: 54-2028580

3rd Pty Defendant

Windstream Holdings, Inc. 4001 North Rodney Parham Road Little Rock, AR 72212

3rd Pty Defendant

Windstream Services, LLC 4001 North Rodney Parham Road Little Rock, AR 72212

Filing Date	#		Docket Text
09/09/2019	:	<u>24</u>	Confidentiality Agreement and Stipulated Protective Order signed on 9/9/2019. (Vargas, Ana) (Entered: 09/09/2019)
11/04/2019		<u>36</u>	Opposition to Uniti's Partial Motion to Dismiss (related document(s)33, 34) filed by Stephen Hessler on behalf of Windstream Holdings, Inc., Windstream Services, LLC. (Hessler, Stephen) (Entered: 11/04/2019)
12/09/2019		<u>51</u>	Joint Opposition <i>to Uniti's Motion for Summary Judgment</i> (related document(s) <u>42</u>) filed by Stephen Hessler on behalf of Windstream Holdings, Inc., Windstream Services, LLC. (Hessler, Stephen) (Entered: 12/09/2019)
12/09/2019	;	<u>55</u>	Objection to Motion / Supplemental Objection of UMB Bank, National Association and U.S. Bank National Association, and Indenture Trustees, to Uniti's Motion for Summary Judgment (related document(s)42) filed by J. Christopher Shore on behalf of UMB Bank, National Association, as successor indenture trustee, US Bank National Association. (Shore, J.) (Entered: 12/09/2019)
01/14/2020		<u>67</u>	Transcript regarding Hearing Held on 12/12/19 At 10:29 AM RE: Hearing Of Defendants Partial Motion To Dismiss The Complaint (ECF 33).; Plaintiff's Opposition (ECF 36).; Supplemental Objection Of UMB Bank, National Association And U.S. Bank National Association, As Indenture Trustee, To Uniti's Motion To Dismiss (ECF 37).; Etc. Remote electronic access to the transcript is restricted until 4/13/2020. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext Legal Solutions.]. (See the Courts Website for contact information for the Transcription Service Agency.) (RE: related document(s) 33, 38, 36, 37). Notice of Intent to Request Redaction Deadline Due By 1/21/2020. Statement of Redaction Request Due By 2/4/2020. Redacted Transcript Submission Due By 2/14/2020. Transcript access will be restricted through 4/13/2020. (Ramos, Jonathan) (Entered: 01/15/2020)
01/22/2020		<u>71</u>	

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		Amended Complaint against all defendants <i>Windstream's Amended Complaint</i> (related document(s)65) Filed by Stephen Hessler on behalf of Windstream Holdings, Inc., Windstream Services, LLC. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3 Exhibit C) (Hessler, Stephen) (Entered: 01/22/2020)
02/26/2020	112	Motion to Approve / Motion in Limine of UMB Bank, National Association and U.S.Bank National Association, As Indenture Trustees, to Preclude Certain Testimony of Paul H. Chill and William P. Zarakas filed by J. Christopher Shore on behalf of UMB Bank, National Association, as successor indenture trustee, US Bank National Association. (Shore, J.) (Entered: 02/26/2020)
02/27/2020	<u>116</u>	Motion to Join Joinder of Windstream Holdings, Inc. and Windstream Services, LLC to the Motion in limine of UMB Bank, National Association, and U.S. Bank National Association, as Indenture Trustees, to Preclude Certain Testimony of Paul H. Chill and William P. Zarakas (related document(s)112) filed by Stephen Hessler on behalf of Windstream Holdings, Inc., Windstream Services, LLC. (Hessler, Stephen) (Entered: 02/27/2020)