

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.

McMahon Smith

PLAINTIFFS irth Solutions, LLC DEFENDANTS Windstream Holdings, Inc., Windstream Communications, LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Christopher Celentino, DINSMORE & SHOHL LLP 655 West Broadway, Suite 800, San Diego, CA 92101 Telephone: 619.400.0500 ATTORNEYS (IF KNOWN) See attached Schedule A

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE) (DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)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 pursuant to 28 U.S.C. § 158(a) from the Bankruptcy Court's Order [Docket No. 2463], entered August 26, 2020.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No [x] Yes [] Judge Previously Assigned

If yes, was this case Vol. [] Invol. [] Dismissed. No [] Yes [] If yes, give date & Case No.

IS THIS AN INTERNATIONAL ARBITRATION CASE? No [x] Yes []

(PLACE AN [x] IN ONE BOX ONLY) NATURE OF SUIT

TORTS			ACTIONS UNDER STATUTES		
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[x] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	INJURY/PRODUCT LIABILITY	28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	SEIZURE OF PROPERTY	[] 423 WITHDRAWAL	[] 400 STATE
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	21 USC 881	28 USC 157	REAPPORTIONMENT
INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL	[] 690 OTHER		[] 410 ANTITRUST
[] 150 RECOVERY OF	[] 330 FEDERAL	INJURY PRODUCT			[] 430 BANKS & BANKING
OVERPAYMENT &	EMPLOYERS'	LIABILITY	PROPERTY RIGHTS		[] 450 COMMERCE
ENFORCEMENT	LIABILITY		[] 820 COPYRIGHTS		[] 460 DEPORTATION
OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	[] 830 PATENT		[] 470 RACKETEER INFLU-
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT	[] 370 OTHER FRAUD	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		ENCED & CORRUPT
[] 152 RECOVERY OF	LIABILITY	[] 371 TRUTH IN LENDING	[] 840 TRADEMARK		ORGANIZATION ACT
DEFAULTED	[] 350 MOTOR VEHICLE				(RICO)
STUDENT LOANS	[] 355 MOTOR VEHICLE				[] 480 CONSUMER CREDIT
(EXCL VETERANS)	PRODUCT LIABILITY				[] 490 CABLE/SATELLITE TV
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	[] 380 OTHER PERSONAL	LABOR	SOCIAL SECURITY	[] 850 SECURITIES/
OVERPAYMENT	INJURY	PROPERTY DAMAGE	[] 710 FAIR LABOR	[] 861 HIA (1395ff)	COMMODITIES/
OF VETERAN'S	[] 362 PERSONAL INJURY -	PRODUCT LIABILITY	STANDARDS ACT	[] 862 BLACK LUNG (923)	EXCHANGE
BENEFITS	MED MALPRACTICE	[] 385 PROPERTY DAMAGE	[] 720 LABOR/MGMT	[] 863 DIWC/DIWW (405(g))	
STOCKHOLDERS		PRISONER PETITIONS	RELATIONS	[] 864 SSID TITLE XVI	[] 890 OTHER STATUTORY
SUITS		[] 463 ALIEN DETAINEE	[] 740 RAILWAY LABOR ACT	[] 865 RSI (405(g))	ACTIONS
[] 190 OTHER		[] 510 MOTIONS TO	[] 751 FAMILY MEDICAL		[] 891 AGRICULTURAL ACTS
CONTRACT	ACTIONS UNDER STATUTES	VACATE SENTENCE	LEAVE ACT (FMLA)	FEDERAL TAX SUITS	
[] 195 CONTRACT	CIVIL RIGHTS	28 USC 2255	[] 790 OTHER LABOR	[] 870 TAXES (U.S. Plaintiff or	
PRODUCT	[] 440 OTHER CIVIL RIGHTS	[] 530 HABEAS CORPUS	LITIGATION	Defendant)	[] 893 ENVIRONMENTAL
LIABILITY	(Non-Prisoner)	[] 535 DEATH PENALTY	[] 791 EMPL RET INC	[] 871 IRS-THIRD PARTY	MATTERS
[] 196 FRANCHISE	[] 441 VOTING	[] 540 MANDAMUS & OTHER	SECURITY ACT (ERISA)	26 USC 7609	[] 895 FREEDOM OF
	[] 442 EMPLOYMENT				INFORMATION ACT
REAL PROPERTY	[] 443 HOUSING/	PRISONER CIVIL RIGHTS	IMMIGRATION		[] 896 ARBITRATION
[] 210 LAND	ACCOMMODATIONS	[] 550 CIVIL RIGHTS	[] 462 NATURALIZATION		[] 899 ADMINISTRATIVE
CONDEMNATION	[] 445 AMERICANS WITH	[] 555 PRISON CONDITION	APPLICATION		PROCEDURE ACT/REVIEW OR
[] 220 FORECLOSURE	DISABILITIES -	[] 560 CIVIL DETAINEE	[] 465 OTHER IMMIGRATION		APPEAL OF AGENCY DECISION
[] 230 RENT LEASE &	EMPLOYMENT	CONDITIONS OF CONFINEMENT	ACTIONS		[] 950 CONSTITUTIONALITY OF
EJECTMENT	[] 446 AMERICANS WITH				STATE STATUTES
[] 240 TORTS TO LAND	DISABILITIES -OTHER				
[] 245 TORT PRODUCT	[] 448 EDUCATION				
LIABILITY					
[] 290 ALL OTHER					
REAL PROPERTY					

Check if demanded in complaint: [] CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:

DEMAND \$ OTHER JUDGE DOCKET NUMBER

Check YES only if demanded in complaint JURY DEMAND: [] YES [x] NO NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form 11-32).

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ORIGIN

(PLACE AN x IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation (Transferred)
 ☐ 7 Appeal to District Judge from Magistrate Judge
 ☐ 8 Multidistrict Litigation (Direct File)
- ☐ a. all parties represented
 ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION
 ☐ 4 DIVERSITY
- (U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 [] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(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:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☒ WHITE PLAINS ☐ MANHATTAN

DATE 9/8/2020

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

☒ NO☐ YES (DATE ADMITTED Mo. _____ Yr. _____)

Attorney Bar Code #

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Schedule "A"

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