

**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)
Reorganized Debtors.)	(Jointly Administered)
)	

AMENDED SCHEDULING AND PRE-TRIAL ORDER

On November 4, 2020, the above-captioned debtors and debtors-in-possession (before the effective date of their Chapter 11 plan, the “Debtors”, and after the effective date of their Chapter 11 plan, the “Reorganized Debtors”) filed their *Notice of Filing of Ninth Amended Plan Supplement* [Docket No. 2654] (the “Plan Supplement Amendment”). Also on November 4, 2020, the Reorganized Debtors served on Charter Communications Operating, LLC (“Charter”) the *Notice of (A) Executory Contracts to Be Assumed by the Reorganized Debtors Pursuant to the Plan, (B) Cure Amounts, and (C) Related Procedures in Connection Therewith* (the “Cure Notice”). On November 18, 2020, Charter filed *Charter Communications Operating, LLC’s Objection to Notice of Filing of Ninth Amended Plan Supplement and Notice of (A) Executory Contracts to be Assumed by the Reorganized Debtors Pursuant to the Plan, (B) Cure Amounts and (C) Related Procedures in Connection Therewith* [Docket No. 2692] (the “Cure Objection”). On December 1, 2020, the Court entered a *Scheduling and Pre-Trial Order* [Docket No. 2728] agreed to by Charter and the Reorganized Debtors (collectively, the “Parties”), which set forth an agreed litigation schedule to resolve the foregoing matters.

¹ The last four digits of Reorganized 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 Debtors 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 Reorganized Debtors’ claims and noticing agent at <http://www.kccllc.net/windstream>. The location of the Reorganized Debtors’ service address for purposes of these Chapter 11 cases is: 4001 North Rodney Parham Road, Little Rock, Arkansas 72212.



By this amended Scheduling and Pre-Trial Order (this “Amended Order”), the Parties have agreed to an amended litigation schedule as set forth herein to resolve the foregoing matters.

It is hereby ORDERED as follows:

1. The Parties shall meet and confer in good faith to attempt to reconcile their accounting records in order to determine the Cure Amounts (as defined in the Cure Notice). Such reconciliation period shall conclude on **January 29, 2021** unless such deadline is extended with the written consent of the Parties.
2. Discovery shall commence on **February 12, 2021**.
3. All discovery shall be completed on or before **April 12, 2021**. In the event of a dispute over discovery, the Parties’ counsel shall promptly confer to attempt in good faith to resolve the dispute. If, notwithstanding their good faith efforts to do so, they are unable to resolve a discovery issue, they shall promptly inform the Court by letter of the nature of the dispute and request a telephonic discovery conference. At the conference, the Court will ask the Parties about their prior efforts to resolve the dispute.
4. The Parties may seek leave under the Local Bankruptcy Rules to move for summary judgment under Fed. R. Bankr. P. 7056 after completion of discovery and before taking the steps set forth in paragraphs 5-9 below. If such leave is granted, the schedule set forth in paragraphs 6-10 below is adjourned and the Parties shall meet and confer on a trial schedule for the steps set forth in paragraphs 5-9 below within two weeks after the Court’s ruling on summary judgment.
5. The Parties shall file and serve pre-trial briefs not to exceed twenty (20) pages in length (excluding the Table of Contents and Table of Authorities) on or before **May 12, 2021** (unless a Party has previously obtained permission under the Local Bankruptcy Rules to move for summary judgment).
6. The Court will hold a final pretrial conference on **May 26, 2021** at 10:00 A.M. (unless a Party has previously obtained permission under the Local Bankruptcy Rules to move for summary judgment, which motion shall be heard at that date and time), at which time the Parties must be prepared to proceed to trial within two weeks.
7. In advance of the final pretrial conference, the Parties shall have conferred and used their best efforts to agree on a joint exhibit book and shall have identified any exhibits whose admissibility is not agreed.
8. In addition, on or before two weeks before the final pretrial conference, the Parties shall have exchanged proposed witness lists.
9. On or before one week before the scheduled trial date, the Parties shall (a) submit to chambers declarations under penalty of perjury or affidavits of their direct witnesses, who shall be present at trial for cross-examination and redirect, or have sought the Court’s permission to examine direct witnesses at trial and (b) submit to chambers the joint exhibit

book referred to in paragraph 9 hereof.

10. **Except as specified above, the Parties cannot amend this Amended Order by stipulation or otherwise, and the Court will not amend it unless presented with (i) proof of cause beyond the control of the party seeking amendment and (ii) timely application as soon as possible after the party seeking amendment learns of the cause. FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTION. If delay or other act or omission of your adversary may result in a sanction against you, it is incumbent on you to promptly bring this matter to the Court for relief.**

Dated: White Plains, New York
December 21, 2020

/s/Robert D. Drain

Hon. Robert D. Drain
United States Bankruptcy Judge