

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

_____)	
In re:)	Chapter 11
)	
WINDSTREAM FINANCE, CORP., <i>et al.</i> ,)	Case No. 22397 (RDD)
)	
Debtors.)	(Formerly Jointly Administered
)	under Lead Case Windstream
)	Holdings, Inc., 19-22312)
_____)	
)	
WINDSTREAM HOLDINGS, INC., <i>et al.</i> ,)	
)	
Plaintiffs,)	Adv. Pro. No. 19-08246
)	
vs.)	
)	
CHARTER COMMUNICATIONS, INC.)	
and CHARTER COMMUNICATIONS)	
OPERATING, LLC,)	
)	
Defendants.)	
_____)	

MOTION TO APPROVE AMOUNT OF SUPERSEDEAS BOND

Pursuant to Federal Rule of Civil Procedure 62(b), as incorporated by Federal Bankruptcy Rule of Procedure 7062, Defendants Charter Communications, Inc. and Charter Communications Operating, LLC (collectively, “Charter”) submit this Motion to Approve Amount of Supersedeas Bond. In support, Charter states:

1. On April 15, 2021, this Court entered Judgment on Counts VI (violation of the automatic stay) and VII (equitable subordination) in the amount of \$19,184,658.30, plus applicable post-judgment interest and costs, against Charter.
2. Charter will file a notice of appeal.



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3. Pursuant to Fed. R. Civ. P. 62(b), “[a]t any time after judgment is entered, a party may obtain a stay by providing a bond.... The stay takes effect when the court approves the bond... and remains in effect for the time specified in the bond....”

4. Federal Rule of Bankruptcy Procedure 8007(a)(1)(B) requires that Charter first move the bankruptcy court to approve the bond to obtain a stay of judgment. Local Rule 8007-1 provides:

(a) A supersedeas bond, where the judgment is for a sum of money only, shall be in the amount of the judgment, plus interest at a rate consistent with 28 U.S.C. § 1961, and \$250 to cover costs and such damages for delay as may be awarded. The parties may waive the supersedeas bond by stipulation.

(b) When the stay may be effected as of right solely by the giving of the supersedeas bond, but the judgment or order is not solely for a sum of money, the Court, on notice, shall fix the amount of the bond. In all other cases, the Court may, on notice, grant a stay on such terms as to security and otherwise as it may deem proper.

(c) On approval, a supersedeas bond shall be filed with the Clerk, and a copy thereof, with notice of filing, promptly served on all parties affected thereby. If the appellee raises objections to the form of the bond or to the sufficiency of the surety, the Court shall hold a hearing on notice to all parties.

5. Charter has consulted with Plaintiffs on the appropriate amount of the bond and the parties agreed the bond amount should be \$19,500,000. Charter requests that the Court enter an order fixing the amount of the supersedeas bond at \$19,500,000.

6. Charter is in the process of obtaining a bond in the amount of \$19,500,000, with an appropriate corporate surety and will file the same with the clerk for approval pursuant to Local Rule 9025-1(e) and will submit a copy thereof with notice of filing on the docket.

WHEREFORE, Defendants Charter Communications, Inc. and Charter Communications Operating, LLC respectfully request that this Court fix the amount of the supersedeas bond at \$19,500,000.00 and granting any further relief it deems just and necessary.

Respectfully submitted,

THOMPSON COBURN LLP

/s/ John S. Kingston

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Defendants' Counsel

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and accurate copy of the MOTION TO APPROVE AMOUNT OF SUPERSEDEAS BOND was served on April 23, 2021, by operation of the Court's electronic filing system on the following:

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/s/ John S. Kingston

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**ORDER GRANTING
MOTION TO APPROVE AMOUNT OF SUPERSEDEAS BOND**

Upon consideration of the Motion to Approve Amount of Supersedeas Bond (“Motion”) seeking entry of an order pursuant to Federal Rule of Civil Procedure 62(b), as incorporated by Federal Rules of Bankruptcy Procedure 7062, Federal Rule of Bankruptcy Procedure 8005, and Local Rule 8005-1, setting the amount of the supersedeas bond for appeal of the Judgment entered against Defendants Charter Communications, Inc. and Charter Operating, LLC on April 15, 2021 in the above-captioned adversary proceeding.

The Motion is hereby granted and the supersedeas bond amount is set at \$19,500,000.00.

Dated: April ____, 2021

United States Bankruptcy Judge