

Brian Hockett (*pro hac vice*)
THOMPSON COBURN LLP
 One US Bank Plaza
 St. Louis, MO 63101
 Telephone: (314) 552-6000
 Facsimile: (314) 552-7000

Counsel for Defendants/Appellants
Charter Communications, Inc. and
Charter Communications Operating, LLC

**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. 19-22397 (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.)	
)	

NOTICE OF APPEAL AND STATEMENT OF ELECTION



Part 1: Identify the appellant(s)

1. Name(s) of appellant(s):
CHARTER COMMUNICATIONS, INC. and
CHARTER COMMUNICATIONS OPERATING, LLC
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☐ Plaintiff
☒ Defendant
☐ Other (describe)

- ☐ Debtor
☐ Creditor
☐ Trustee
☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Judgment on Counts VI and VII in Adversary Proceeding entered on the docket maintained by the clerk of court (Adv. Dkt. 334) on April 15, 2021, against Defendants and in favor of Plaintiffs on Counts VI and VII of Plaintiffs' Complaint.

Plaintiffs are 205 individual companies that filed petitions under Chapter 11 of the Bankruptcy Code in February of 2019. Pursuant to Federal Rule of Civil Procedure 20, all 205 plaintiffs jointly filed a seven-count complaint against Defendants. The district court withdrew the automatic bankruptcy reference as to the claims in Counts I through V. *See* Case No. 19-cv-09354, April 21, 2020 Order. *See also id.* ECF No. 39 (transcript of April 21, 2020 hearing including bench ruling on motion to withdraw). When it withdrew the reference, the district court provided for the bankruptcy court to enter a final judgment on the claims presented in Counts VI and VII. *See* Case No. 19-cv-09354, ECF No. 39 at 33:21-23 (addressing the possibility that Defendants "will have a final judgment they can appeal from" following a bench trial on Counts VI and VII) and 37:11-16 (contemplating a "new civil case in the district court" following an appeal from "the final order that's entered by the Judge Drain on Counts VI and VII"). Thus, the claims in Counts VI and VII were severed, under Federal Rule of Civil Procedure 21, from those presented in Counts I through V. *See Acevedo-Garcia v. Monroig*, 351 F.3d 547, 560 (1st Cir. 2003) And the Bankruptcy Court's judgment on Counts VI and VII is final and appealable. *See Spencer, White & Prentis Inc. of Connecticut v. Pfizer Inc.*, 498 F.2d 358, 361 (2d Cir. 1974) (appeal from severed claim may be timely taken as a matter of right notwithstanding pendency of remaining claim).

2. State the date on which the judgment, order, or decree was entered: April 15, 2021.

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: CHARTER COMMUNICATIONS, INC. Appellant

Attorney: Brian Hockett
THOMPSON COBURN LLP
One U.S. Bank Plaza, Suite 2700
St. Louis, MO, 63101
314-552-6000

2. Party: CHARTER COMMUNICATIONS OPERATING, LLC Appellant

Attorney: Brian Hockett
THOMPSON COBURN LLP
One U.S. Bank Plaza, Suite 2700
St. Louis, MO, 63101
314-552-6000

See attached pages for additional parties

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal. **N/A**

- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

/s/ Brian Hockett
Signature of attorney for appellant(s)
(or appellant(s) if not represented by an attorney)

Date: April 29, 2021

Name, address, and telephone number of attorney
(or appellant(s) if not represented by an attorney):

Brian Hockett
THOMPSON COBURN LLP
One U.S. Bank Plaza, Suite 2700
St. Louis, MO, 63101
314-552-6000
bhockett@thompsoncoburn.com

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

ATTACHMENT – NOTICE OF APPEAL

Part 3: Continuation of List of Parties on Notice of Appeal

Plaintiffs/Appellees

3. Windstream Holdings, Inc. (d/b/a: none)¹
4. Windstream Business Holdings, LLC (d/b/a: Earthlink, LLC)
5. Allworx Corp. (d/b/a: none)
6. American Telephone Company, LLC (d/b/a: none)
7. ARC Networks, Inc. (d/b/a: none)
8. A.R.C. Networks, Inc. (d/b/a: none)
9. ATX Communications, Inc. (d/b/a: none)
10. ATX Licensing, Inc. (d/b/a: none)
11. ATX Telecommunications Services of Virginia, LLC (d/b/a: none)
12. Birmingham Data Link, LLC (d/b/a: none)
13. BOB, LLC (d/b/a: Business Only Broadband; Windstream Fixed Wireless, LLC)
14. Boston Retail Partners LLC (d/b/a: none)
15. BridgeCom Holdings, Inc. (d/b/a: none)
16. BridgeCom International, Inc. (d/b/a: none)
17. BridgeCom Solutions Group, Inc. (d/b/a: none)
18. Broadview Networks, Inc. (d/b/a: none)
19. Broadview Networks of Massachusetts, Inc. (d/b/a: none)
20. Broadview Networks of Virginia, Inc. (d/b/a: none)
21. Broadview NP Acquisition Corp. (d/b/a: none)
22. Buffalo Valley Management Services, Inc. (d/b/a: none)
23. Business Telecom of Virginia, Inc. (d/b/a: none)
24. Business Telecom, LLC (d/b/a Earthlink Business Solutions; Earthlink Business; Earthlink Business I; Earthlink Business III; Earthlink Business IV; Earthlink Business VIII; Earthlink Business IX; BTI; BTI Telecommunications Services)
25. BV-BC Acquisition Corporation (d/b/a: none)
26. Cavalier IP TV, LLC (d/b/a: none)
27. Cavalier Services, LLC (d/b/a: none)
28. Cavalier Telephone Mid-Atlantic, L.L.C. (d/b/a: none)
29. Cavalier Telephone, L.L.C. (d/b/a: none)
30. CCL Historical, Inc. (d/b/a: none)
31. Choice One Communications of Connecticut Inc. (d/b/a: Earthlink Business; One Communications; One Communications Corp.)
32. Choice One Communications of Maine Inc. (d/b/a: Earthlink Business; Earthlink Business II; One Communications)

¹ D/b/a refers to “[a]ll other names debtor used in the last 8 years” as listed in Paragraph 2 of Official Form 201 each Plaintiff filed in the bankruptcy division of the United States District Court for the Southern District Court of New York on February 25, 2019. D/b/a includes “any assumed names, trade names, and *doing business as* names.” *E.g.*, Official Form 201, Choice One Communications of Maine, Inc., No. 19-22324, ECF 1 (S.D.N.Y. Bankr. Feb. 25, 2019) at 1, ¶2 (admitted as Defendants’ Exhibit 185).

33. Choice One Communications of Massachusetts Inc. (d/b/a: Earthlink Business; One Communications)
34. Choice One Communications of New York Inc. (d/b/a: Earthlink Business; One Communications)
35. Choice One Communications of Ohio Inc. (d/b/a: Earthlink Business; One Communications)
36. Choice One Communications of Pennsylvania Inc. (d/b/a: Earthlink Business; One Communications)
37. Choice One Communications of Rhode Island Inc. (d/b/a: Earthlink Business; One Communications)
38. Choice One Communications Resale L.L.C. (d/b/a: Earthlink Business; One Communications)
39. Choice One Communications of Vermont Inc. (d/b/a: Earthlink Business; Earthlink Business IV; One Communications)
40. Choice One of New Hampshire, Inc. (d/b/a: Earthlink Business; One Communications)
41. Cinergy Communications Company of Virginia, LLC (d/b/a: Cinergy Communications Company of Virginia)
42. Conestoga Enterprises, Inc. (d/b/a: none)
43. Conestoga Management Services, Inc. (d/b/a: none)
44. Conestoga Wireless Company (d/b/a: none)
45. Connecticut Broadband, LLC (d/b/a: Earthlink Business; One Communications)
46. Connecticut Telephone & Communication Systems, Inc. (d/b/a: Earthlink Business; One Communications)
47. Conversent Communications Long Distance, LLC (d/b/a: Earthlink Business; One Communications Long Distance of New Hampshire)
48. Conversent Communications of Connecticut, LLC (d/b/a: Earthlink Business; One Communications; One Communication Corp.)
49. Conversent Communications of Maine, LLC (d/b/a: Earthlink Business IV; One Communication IV)
50. Conversent Communications of Massachusetts, Inc. (d/b/a: Earthlink Business; One Communications)
51. Conversent Communications of New Hampshire, LLC (d/b/a: Earthlink Business; One Communications of New Hampshire)
52. Conversent Communications of New Jersey, LLC (d/b/a: Earthlink Business)
53. Conversent Communications of New York, LLC (d/b/a: Earthlink Business; One Communications)
54. Conversent Communications of Pennsylvania, LLC (d/b/a: Earthlink Business; One Communications)
55. Conversent Communications of Rhode Island, LLC (d/b/a: Earthlink Business IV; One Communications IV)
56. Conversent Communications of Vermont, LLC (d/b/a: Earthlink Business; Earthlink Business IV; One Communications)
57. Conversent Communications Resale L.L.C. (d/b/a: Earthlink Business; Earthlink Business III; Earthlink Business IV; One Communications)
58. CoreComm-ATX, Inc. (d/b/a: none)
59. CoreComm Communications, LLC (d/b/a: none)
60. CTC Communications Corporation (d/b/a: Earthlink Business; Earthlink Business I; Earthlink Business IV; Earthlink Business, Inc.; One Communications; One Communications Corp.)

61. CTC Communications of Virginia, Inc. (d/b/a: none)
62. D&E Communications, LLC (d/b/a: D&E Communications, Inc.)
63. D&E Management Services, Inc. (d/b/a: none)
64. D&E Networks, Inc. (d/b/a: none)
65. D&E Wireless, Inc. (d/b/a: none)
66. Deltacom, LLC (d/b/a: Earthlink Business; Earthlink Business I; Earthlink Business IV; Earthlink Business Solutions)
67. Earthlink Business, LLC (d/b/a: Earthlink Business)
68. Earthlink Carrier, LLC (d/b/a: none)
69. Equity Leasing, Inc. (d/b/a: Equity Leasing of Illinois (Illinois only))
70. Eureka Broadband Corporation (d/b/a: none)
71. Eureka Holdings, LLC (d/b/a: none)
72. Eureka Networks, LLC (d/b/a: none)
73. Eureka Telecom, Inc. (d/b/a: none)
74. Eureka Telecom of VA, Inc. (d/b/a: none)
75. Georgia Windstream, LLC (d/b/a: none)
76. Heart of the Lakes Cable Systems, Inc. (d/b/a: none)
77. Infocore, Inc. (d/b/a: none)
78. Info-Highway International, Inc. (d/b/a: none)
79. InfoHighway Communications Corporation (d/b/a: none)
80. InfoHighway of Virginia, Inc. (d/b/a: none)
81. Intellifiber Networks, LLC (d/b/a: Intellifiber Networks, Inc.)
82. Iowa Telecom Data Services, L.C. (d/b/a: none)
83. Iowa Telecom Technologies, LLC (d/b/a: none)
84. IWA Services, LLC (d/b/a: none)
85. KDL Holdings, LLC (d/b/a: none)
86. LDMI Telecommunications, LLC (d/b/a: LDMI Telecommunications, Inc.; LDMI Telecommunications)
87. Lightship Telecom, LLC (d/b/a: Earthlink Business; Earthlink Business I; Earthlink Business IV; One Communications)
88. MassComm, LLC (d/b/a: none)
89. McLeodUSA Information Services LLC (d/b/a: none)
90. McLeodUSA Purchasing, LLC (d/b/a: none)
91. McLeodUSA Telecommunications Services, L.L.C. (d/b/a: PaeTec Business Services)
92. MPX, Inc. (d/b/a: none)
93. Nashville Data Link, LLC (d/b/a: none)
94. Network Telephone, LLC (d/b/a: Cavalier Telephone; Cavalier Telephone and TV; Cavalier Business Communications)
95. Norlight Telecommunications of Virginia, LLC (d/b/a: Norlight Telecommunications of Virginia, Inc.)
96. Oklahoma Windstream, LLC (d/b/a: none)
97. Open Support Systems, LLC (d/b/a: none)
98. PaeTec Communications of Virginia, LLC (d/b/a: none)
99. PaeTec Communications, LLC (d/b/a: PaeTec Communications, Inc.)
100. PAETEC Holding, LLC (d/b/a: PAETEC Holding Corp.)
101. PAETEC iTEL, L.L.C. (d/b/a: none)
102. PAETEC Realty LLC (d/b/a: none)
103. PAETEC, LLC (d/b/a: PAETEC Corp.)
104. PCS Licenses, Inc. (d/b/a: none)

105. Progress Place Realty Holding Company, LLC (d/b/a: none)
106. RevChain Solutions, LLC (d/b/a: none)
107. SM Holdings, LLC (d/b/a: none)
108. Southwest Enhanced Network Services, LLC (d/b/a: Southwest Enhanced Network Services, LP)
109. Talk America of Virginia, LLC (d/b/a: Talk America of Virginia, Inc.; Cavalier Telephone)
110. Talk America, LLC (d/b/a: Talk America, Inc.; Cavalier Telephone; Cavalier Business Communications)
111. Teleview, LLC (d/b/a: none)
112. Texas Windstream, LLC (d/b/a: Texas Windstream, Inc.)
113. The Other Phone Company, LLC (d/b/a: Cavalier Business Communications; The Phone Company)
114. TriNet, LLC (d/b/a: none)
115. TruCom Corporation (d/b/a: none)
116. US LEC Communications LLC (d/b/a: PaeTec Business Services)
117. US LEC of Alabama LLC (d/b/a: none)
118. US LEC of Florida LLC (d/b/a: none)
119. US LEC of Georgia LLC (d/b/a: PaeTec Business Services)
120. US LEC of Maryland LLC (d/b/a: none)
121. US LEC of North Carolina LLC (d/b/a: none)
122. US LEC of Pennsylvania LLC (d/b/a: none)
123. US LEC of South Carolina LLC (d/b/a: none)
124. US LEC of Tennessee LLC (d/b/a: none)
125. US LEC of Virginia LLC (d/b/a: PaeTec Business Services)
126. US Xchange Inc. (d/b/a: Earthlink Business; One Communications; Choice One; Choice One Communications)
127. US Xchange of Illinois, L.L.C. (d/b/a: Earthlink Business; One Communications)
128. US Xchange of Indiana, L.L.C. (d/b/a: Earthlink Business; One Communications)
129. US Xchange of Michigan, L.L.C. (d/b/a: Earthlink Business; One Communications)
130. US Xchange of Wisconsin, L.L.C. (d/b/a: Earthlink Business; One Communications)
131. Valor Telecommunications of Texas, LLC (d/b/a: Windstream Communications Southwest)
132. WaveTel NC License Corporation (d/b/a: none)
133. WIN Sales & Leasing, Inc. (d/b/a: Communications Sales and Leasing, Inc.)
134. Windstream Accucomm Networks, LLC (d/b/a: none)
135. Windstream Accucomm Telecommunications, LLC (d/b/a: none)
136. Windstream Alabama, LLC (d/b/a: none)
137. Windstream Arkansas, LLC (d/b/a: none)
138. Windstream Buffalo Valley, Inc. (d/b/a: none)
139. Windstream BV Holdings, LLC (d/b/a: Windstream BV Holdings, Inc.; Broadview Network Holdings, Inc.)
140. Windstream Cavalier, LLC (d/b/a: none)
141. Windstream Communications Kerrville, LLC (d/b/a: none)
142. Windstream Communications Telecom, LLC (d/b/a: none)
143. Windstream Communications, LLC (d/b/a: Windstream Communications, Inc.)
144. Windstream Concord Telephone, LLC (d/b/a: Windstream Concord Telephone, Inc.)
145. Windstream Conestoga, Inc. (d/b/a: none)
146. Windstream CTC Internet Services, Inc. (d/b/a: none)
147. Windstream D&E Systems, LLC (d/b/a: Windstream D&E Systems, Inc.)

148. Windstream D&E, Inc. (d/b/a: none)
149. Windstream Direct, LLC (d/b/a: none)
150. Windstream Eagle Holdings LLC (d/b/a: Earthlink Holdings, LLC; Earthlink Holdings Corp.)
151. Windstream Eagle Services, LLC (d/b/a: Earthlink Services, LLC)
152. Windstream EN-TEL, LLC (d/b/a: none)
153. Windstream Finance Corp. (d/b/a: none)
154. Windstream Florida, LLC (d/b/a: Windstream Florida, Inc.)
155. Windstream Georgia Communications, LLC
156. Windstream Georgia Telephone, LLC (d/b/a: none)
157. Windstream Georgia, LLC (d/b/a: none)
158. Windstream Holding of the Midwest, Inc. (d/b/a: none)
159. Windstream Iowa Communications, LLC (d/b/a: Windstream Iowa Communications, Inc.)
160. Windstream Iowa-Comm, LLC (d/b/a: Windstream Iowa-Comm, Inc.)
161. Windstream IT-Comm, LLC (d/b/a: none)
162. Windstream KDL, LLC (d/b/a: none)
163. Windstream KDL-VA, LLC (d/b/a: none)
164. Windstream Kentucky East, LLC (d/b/a: none)
165. Windstream Kentucky West, LLC (d/b/a: none)
166. Windstream Kerrville Long Distance, LLC (d/b/a: none)
167. Windstream Lakedale Link, Inc. (d/b/a: none)
168. Windstream Lakedale, Inc. (d/b/a: none)
169. Windstream Leasing, LLC (d/b/a: none)
170. Windstream Lexcom Communications, LLC (d/b/a: Windstream Lexcom Communications, Inc.)
171. Windstream Lexcom Entertainment, LLC (d/b/a: none)
172. Windstream Lexcom Long Distance, LLC (d/b/a: none)
173. Windstream Lexcom Wireless, LLC (d/b/a: none)
174. Windstream Mississippi, LLC (d/b/a: none)
175. Windstream Missouri, LLC (d/b/a: Windstream Missouri, Inc.)
176. Windstream Montezuma, LLC (d/b/a: Windstream Montezuma, Inc.)
177. Windstream Nebraska, Inc. (d/b/a: none)
178. Windstream Network Services of the Midwest, Inc. (d/b/a: none)
179. Windstream New York, Inc. (d/b/a: none)
180. Windstream Norlight, LLC (d/b/a: Windstream Norlight, Inc.; Norlight, Inc.)
181. Windstream North Carolina, LLC (d/b/a: none)
182. Windstream NorthStar, LLC (d/b/a: none)
183. Windstream NTI, LLC (d/b/a: Windstream NTI, Inc.)
184. Windstream NuVox Arkansas, LLC (d/b/a: Windstream NuVox Arkansas, Inc.)
185. Windstream NuVox Illinois, LLC (d/b/a: Windstream NuVox Illinois, Inc.)
186. Windstream NuVox Indiana, LLC (d/b/a: Windstream NuVox Indiana, Inc.)
187. Windstream NuVox Kansas, LLC (d/b/a: Windstream NuVox Kansas, Inc.)
188. Windstream NuVox Missouri, LLC (d/b/a: Windstream NuVox Missouri, Inc.)
189. Windstream NuVox Ohio, LLC (d/b/a: Windstream NuVox Ohio, Inc.)
190. Windstream NuVox Oklahoma, LLC (d/b/a: Windstream NuVox Oklahoma, Inc.)
191. Windstream NuVox, LLC (d/b/a: Windstream NuVox, Inc.)
192. Windstream of the Midwest, Inc. (d/b/a: none)
193. Windstream Ohio, LLC (d/b/a: none)
194. Windstream Oklahoma, LLC (d/b/a: none)

- 195. Windstream Pennsylvania, LLC (d/b/a: none)
- 196. Windstream Services, LLC (d/b/a: Windstream Corporation)
- 197. Windstream SHAL Networks, Inc. (d/b/a: none)
- 198. Windstream SHAL, LLC (d/b/a: none)
- 199. Windstream Shared Services, LLC (d/b/a: Earthlink Shared Services, LLC)
- 200. Windstream South Carolina, LLC (d/b/a: none)
- 201. Windstream Southwest Long Distance, LLC (d/b/a: none)
- 202. Windstream Standard, LLC (d/b/a: none)
- 203. Windstream Sugar Land, LLC (d/b/a: none)
- 204. Windstream Supply, LLC (d/b/a: none)
- 205. Windstream Systems of the Midwest, Inc. (d/b/a: none)
- 206. Windstream Western Reserve, LLC (d/b/a: none)
- 207. Xeta Technologies, Inc. (d/b/a: none)

Parties No. 3 through No. 207 are represented by:

Attorney: Terence P. Ross
Michael R. Justus
Shaya Rochester
Katten Muchin Rosenman LLP
575 Madison Avenue
New York, NY 10022
212-940-8800
terence.ross@kattenlaw.com
michael.justus@kattenlaw.com
shaya.rochester@kattenlaw.com

Intervening Party/Appellee

- 208. Official Committee of Unsecured Creditors of Windstream Holdings, Inc.

Attorney: Lorenzo Marinuzzi
Steven T. Rappoport
Morrison & Foerster LLP
250 West 55th Street
New York, NY 10019
212-468-8000
lmarinuzzi@mofo.com
srappoport@mofo.com

10/01/2020

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.

PLAINTIFFS

Windstream Holdings, Inc., et al. (see attached list)

DEFENDANTS

Charter Communications, Inc. and Charter Communications Operating, LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Terence Ross, Shaya Rochester, KATTEN MUCHIN ROSENMAN LLP
575 Madison Avenue, New York, NY 10022
terence.ross@kattenlaw.com; 212-940-8529

ATTORNEYS (IF KNOWN)

Brian Hockett, THOMPSON COBURN LLP
One U.S. Bank Plaza, Suite 2700, St. Louis, MO 63101
bhockett@thompsoncoburn.com; 314-552-6000

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)

28 U.S.C. 158(a) (appeal from bankruptcy court order)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ 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 ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT

[] 110 INSURANCE
[] 120 MARINE
[] 130 MILLER ACT
[] 140 NEGOTIABLE INSTRUMENT
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
[] 151 MEDICARE ACT
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS
[] 160 STOCKHOLDERS SUITS
[] 190 OTHER CONTRACT
[] 195 CONTRACT PRODUCT LIABILITY
[] 196 FRANCHISE

PERSONAL INJURY

[] 310 AIRPLANE
[] 315 AIRPLANE PRODUCT LIABILITY
[] 320 ASSAULT, LIBEL & SLANDER
[] 330 FEDERAL EMPLOYERS' LIABILITY
[] 340 MARINE
[] 345 MARINE PRODUCT LIABILITY
[] 350 MOTOR VEHICLE
[] 355 MOTOR VEHICLE PRODUCT LIABILITY
[] 360 OTHER PERSONAL INJURY
[] 362 PERSONAL INJURY - MED MALPRACTICE

PERSONAL INJURY

[] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY
[] 365 PERSONAL INJURY PRODUCT LIABILITY
[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

PERSONAL PROPERTY

[] 370 OTHER FRAUD
[] 371 TRUTH IN LENDING

PRISONER PETITIONS

[] 463 ALIEN DETAINEE
[] 510 MOTIONS TO VACATE SENTENCE
[] 530 HABEAS CORPUS
[] 535 DEATH PENALTY
[] 540 MANDAMUS & OTHER

FORFEITURE/PENALTY

[] 625 DRUG RELATED SEIZURE OF PROPERTY
21 USC 881
[] 690 OTHER

PROPERTY RIGHTS

[] 820 COPYRIGHTS [] 880 DEFEND TRADE SECRETS ACT
[] 830 PATENT
[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION
[] 840 TRADEMARK

LABOR

[] 710 FAIR LABOR STANDARDS ACT
[] 720 LABOR/MGMT RELATIONS
[] 740 RAILWAY LABOR ACT
[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)
[] 790 OTHER LABOR LITIGATION
[] 791 EMPL RET INC SECURITY ACT (ERISA)

BANKRUPTCY

[x] 422 APPEAL
28 USC 158
[] 423 WITHDRAWAL
28 USC 157

SOCIAL SECURITY

[] 861 HIA (1395ff)
[] 862 BLACK LUNG (923)
[] 863 DIWC/DIWW (405(g))
[] 864 SSID TITLE XVI
[] 865 RSI (405(g))

FEDERAL TAX SUITS

[] 870 TAXES (U.S. Plaintiff or Defendant)
[] 871 IRS-THIRD PARTY
26 USC 7609

OTHER STATUTES

[] 375 FALSE CLAIMS
[] 376 QUI TAM
[] 400 STATE REAPPORTIONMENT
[] 410 ANTITRUST
[] 430 BANKS & BANKING
[] 450 COMMERCE
[] 460 DEPORTATION
[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 480 CONSUMER CREDIT
[] 485 TELEPHONE CONSUMER PROTECTION ACT
[] 490 CABLE/SATELLITE TV
[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[] 890 OTHER STATUTORY ACTIONS
[] 891 AGRICULTURAL ACTS
[] 893 ENVIRONMENTAL MATTERS
[] 895 FREEDOM OF INFORMATION ACT
[] 896 ARBITRATION
[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
[] 950 CONSTITUTIONALITY OF STATE STATUTES

REAL PROPERTY

[] 210 LAND CONDEMNATION
[] 220 FORECLOSURE
[] 230 RENT LEASE & EJECTMENT
[] 240 TORTS TO LAND
[] 245 TORT PRODUCT LIABILITY
[] 290 ALL OTHER REAL PROPERTY

ACTIONS UNDER STATUTES

CIVIL RIGHTS

[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)
[] 441 VOTING
[] 442 EMPLOYMENT
[] 443 HOUSING/ ACCOMMODATIONS
[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT
[] 446 AMERICANS WITH DISABILITIES -OTHER
[] 448 EDUCATION

PRISONER CIVIL RIGHTS

[] 550 CIVIL RIGHTS
[] 555 PRISON CONDITION
[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT

IMMIGRATION

[] 462 NATURALIZATION APPLICATION
[] 465 OTHER IMMIGRATION ACTIONS

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 Seibel _____ DOCKET NUMBER 7:19-cv-09354-C

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(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)

(see attached list)

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

Charter Communications, Inc. and Charter Communications Operating
 12405 Powerscourt Drive
 St. Louis, MO 63131
 St. Louis County, Missouri

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 4/29/2021 /s/ Brian W. Hockett
 SIGNATURE OF ATTORNEY OF RECORD
 RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT
☒ NO
☐ YES (DATE ADMITTED Mo. _____ Yr. _____)
 Attorney Bar Code #

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)

ATTACHMENT – CIVIL COVER SHEET

1. Windstream Holdings, Inc. (d/b/a: none)¹
2. Windstream Business Holdings, LLC (d/b/a: Earthlink, LLC)
3. Allworx Corp. (d/b/a: none)
4. American Telephone Company, LLC (d/b/a: none)
5. ARC Networks, Inc. (d/b/a: none)
6. A.R.C. Networks, Inc. (d/b/a: none)
7. ATX Communications, Inc. (d/b/a: none)
8. ATX Licensing, Inc. (d/b/a: none)
9. ATX Telecommunications Services of Virginia, LLC (d/b/a: none)
10. Birmingham Data Link, LLC (d/b/a: none)
11. BOB, LLC (d/b/a: Business Only Broadband; Windstream Fixed Wireless, LLC)
12. Boston Retail Partners LLC (d/b/a: none)
13. BridgeCom Holdings, Inc. (d/b/a: none)
14. BridgeCom International, Inc. (d/b/a: none)
15. BridgeCom Solutions Group, Inc. (d/b/a: none)
16. Broadview Networks, Inc. (d/b/a: none)
17. Broadview Networks of Massachusetts, Inc. (d/b/a: none)
18. Broadview Networks of Virginia, Inc. (d/b/a: none)
19. Broadview NP Acquisition Corp. (d/b/a: none)
20. Buffalo Valley Management Services, Inc. (d/b/a: none)
21. Business Telecom of Virginia, Inc. (d/b/a: none)
22. Business Telecom, LLC (d/b/a Earthlink Business Solutions; Earthlink Business; Earthlink Business I; Earthlink Business III; Earthlink Business IV; Earthlink Business VIII; Earthlink Business IX; BTI; BTI Telecommunications Services)
23. BV-BC Acquisition Corporation (d/b/a: none)
24. Cavalier IP TV, LLC (d/b/a: none)
25. Cavalier Services, LLC (d/b/a: none)
26. Cavalier Telephone Mid-Atlantic, L.L.C. (d/b/a: none)
27. Cavalier Telephone, L.L.C. (d/b/a: none)
28. CCL Historical, Inc. (d/b/a: none)
29. Choice One Communications of Connecticut Inc. (d/b/a: Earthlink Business; One Communications; One Communications Corp.)
30. Choice One Communications of Maine Inc. (d/b/a: Earthlink Business; Earthlink Business II; One Communications)
31. Choice One Communications of Massachusetts Inc. (d/b/a: Earthlink Business; One Communications)
32. Choice One Communications of New York Inc. (d/b/a: Earthlink Business; One Communications)
33. Choice One Communications of Ohio Inc. (d/b/a: Earthlink Business; One Communications)
34. Choice One Communications of Pennsylvania Inc. (d/b/a: Earthlink Business; One Communications)

¹ D/b/a refers to “[a]ll other names debtor used in the last 8 years” as listed in Paragraph 2 of Official Form 201 each Plaintiff filed in the bankruptcy division of the United States District Court for the Southern District Court of New York on February 25, 2019. D/b/a includes “any assumed names, trade names, and *doing business as* names.” E.g., Official Form 201, Choice One Communications of Maine, Inc., No. 19-22324, ECF 1 (S.D.N.Y. Bankr. Feb. 25, 2019) at 1, ¶2 (admitted as Defendants’ Exhibit 185).

35. Choice One Communications of Rhode Island Inc. (d/b/a: Earthlink Business; One Communications)
36. Choice One Communications Resale L.L.C. (d/b/a: Earthlink Business; One Communications)
37. Choice One Communications of Vermont Inc. (d/b/a: Earthlink Business; Earthlink Business IV; One Communications)
38. Choice One of New Hampshire, Inc. (d/b/a: Earthlink Business; One Communications)
39. Cinergy Communications Company of Virginia, LLC (d/b/a: Cinergy Communications Company of Virginia)
40. Conestoga Enterprises, Inc. (d/b/a: none)
41. Conestoga Management Services, Inc. (d/b/a: none)
42. Conestoga Wireless Company (d/b/a: none)
43. Connecticut Broadband, LLC (d/b/a: Earthlink Business; One Communications)
44. Connecticut Telephone & Communication Systems, Inc. (d/b/a: Earthlink Business; One Communications)
45. Conversent Communications Long Distance, LLC (d/b/a: Earthlink Business; One Communications Long Distance of New Hampshire)
46. Conversent Communications of Connecticut, LLC (d/b/a: Earthlink Business; One Communications; One Communication Corp.)
47. Conversent Communications of Maine, LLC (d/b/a: Earthlink Business IV; One Communication IV)
48. Conversent Communications of Massachusetts, Inc. (d/b/a: Earthlink Business; One Communications)
49. Conversent Communications of New Hampshire, LLC (d/b/a: Earthlink Business; One Communications of New Hampshire)
50. Conversent Communications of New Jersey, LLC (d/b/a: Earthlink Business)
51. Conversent Communications of New York, LLC (d/b/a: Earthlink Business; One Communications)
52. Conversent Communications of Pennsylvania, LLC (d/b/a: Earthlink Business; One Communications)
53. Conversent Communications of Rhode Island, LLC (d/b/a: Earthlink Business IV; One Communications IV)
54. Conversent Communications of Vermont, LLC (d/b/a: Earthlink Business; Earthlink Business IV; One Communications)
55. Conversent Communications Resale L.L.C. (d/b/a: Earthlink Business; Earthlink Business III; Earthlink Business IV; One Communications)
56. CoreComm-ATX, Inc. (d/b/a: none)
57. CoreComm Communications, LLC (d/b/a: none)
58. CTC Communications Corporation (d/b/a: Earthlink Business; Earthlink Business I; Earthlink Business IV; Earthlink Business, Inc.; One Communications; One Communications Corp.)
59. CTC Communications of Virginia, Inc. (d/b/a: none)
60. D&E Communications, LLC (d/b/a: D&E Communications, Inc.)
61. D&E Management Services, Inc. (d/b/a: none)
62. D&E Networks, Inc. (d/b/a: none)
63. D&E Wireless, Inc. (d/b/a: none)
64. Deltacom, LLC (d/b/a: Earthlink Business; Earthlink Business I; Earthlink Business IV; Earthlink Business Solutions)
65. Earthlink Business, LLC (d/b/a: Earthlink Business)
66. Earthlink Carrier, LLC (d/b/a: none)
67. Equity Leasing, Inc. (d/b/a: Equity Leasing of Illinois (Illinois only))
68. Eureka Broadband Corporation (d/b/a: none)
69. Eureka Holdings, LLC (d/b/a: none)

70. Eureka Networks, LLC (d/b/a: none)
71. Eureka Telecom, Inc. (d/b/a: none)
72. Eureka Telecom of VA, Inc. (d/b/a: none)
73. Georgia Windstream, LLC (d/b/a: none)
74. Heart of the Lakes Cable Systems, Inc. (d/b/a: none)
75. Infocore, Inc. (d/b/a: none)
76. Info-Highway International, Inc. (d/b/a: none)
77. InfoHighway Communications Corporation (d/b/a: none)
78. InfoHighway of Virginia, Inc. (d/b/a: none)
79. Intellifiber Networks, LLC (d/b/a: Intellifiber Networks, Inc.)
80. Iowa Telecom Data Services, L.C. (d/b/a: none)
81. Iowa Telecom Technologies, LLC (d/b/a: none)
82. IWA Services, LLC (d/b/a: none)
83. KDL Holdings, LLC (d/b/a: none)
84. LDMI Telecommunications, LLC (d/b/a: LDMI Telecommunications, Inc.; LDMI Telecommunications)
85. Lightship Telecom, LLC (d/b/a: Earthlink Business; Earthlink Business I; Earthlink Business IV; One Communications)
86. MassComm, LLC (d/b/a: none)
87. McLeodUSA Information Services LLC (d/b/a: none)
88. McLeodUSA Purchasing, LLC (d/b/a: none)
89. McLeodUSA Telecommunications Services, L.L.C. (d/b/a: PaeTec Business Services)
90. MPX, Inc. (d/b/a: none)
91. Nashville Data Link, LLC (d/b/a: none)
92. Network Telephone, LLC (d/b/a: Cavalier Telephone; Cavalier Telephone and TV; Cavalier Business Communications)
93. Norlight Telecommunications of Virginia, LLC (d/b/a: Norlight Telecommunications of Virginia, Inc.)
94. Oklahoma Windstream, LLC (d/b/a: none)
95. Open Support Systems, LLC (d/b/a: none)
96. PaeTec Communications of Virginia, LLC (d/b/a: none)
97. PaeTec Communications, LLC (d/b/a: PaeTec Communications, Inc.)
98. PAETEC Holding, LLC (d/b/a: PAETEC Holding Corp.)
99. PAETEC iTEL, L.L.C. (d/b/a: none)
100. PAETEC Realty LLC (d/b/a: none)
101. PAETEC, LLC (d/b/a: PAETEC Corp.)
102. PCS Licenses, Inc. (d/b/a: none)
103. Progress Place Realty Holding Company, LLC (d/b/a: none)
104. RevChain Solutions, LLC (d/b/a: none)
105. SM Holdings, LLC (d/b/a: none)
106. Southwest Enhanced Network Services, LLC (d/b/a: Southwest Enhanced Network Services, LP)
107. Talk America of Virginia, LLC (d/b/a: Talk America of Virginia, Inc.; Cavalier Telephone)
108. Talk America, LLC (d/b/a: Talk America, Inc.; Cavalier Telephone; Cavalier Business Communications)
109. Teleview, LLC (d/b/a: none)
110. Texas Windstream, LLC (d/b/a: Texas Windstream, Inc.)
111. The Other Phone Company, LLC (d/b/a: Cavalier Business Communications; The Phone Company)
112. TriNet, LLC (d/b/a: none)
113. TruCom Corporation (d/b/a: none)
114. US LEC Communications LLC (d/b/a: PaeTec Business Services)
115. US LEC of Alabama LLC (d/b/a: none)

116. US LEC of Florida LLC (d/b/a: none)
117. US LEC of Georgia LLC (d/b/a: PaeTec Business Services)
118. US LEC of Maryland LLC (d/b/a: none)
119. US LEC of North Carolina LLC (d/b/a: none)
120. US LEC of Pennsylvania LLC (d/b/a: none)
121. US LEC of South Carolina LLC (d/b/a: none)
122. US LEC of Tennessee LLC (d/b/a: none)
123. US LEC of Virginia LLC (d/b/a: PaeTec Business Services)
124. US Xchange Inc. (d/b/a: Earthlink Business; One Communications; Choice One; Choice One Communications)
125. US Xchange of Illinois, L.L.C. (d/b/a: Earthlink Business; One Communications)
126. US Xchange of Indiana, L.L.C. (d/b/a: Earthlink Business; One Communications)
127. US Xchange of Michigan, L.L.C. (d/b/a: Earthlink Business; One Communications)
128. US Xchange of Wisconsin, L.L.C. (d/b/a: Earthlink Business; One Communications)
129. Valor Telecommunications of Texas, LLC (d/b/a: Windstream Communications Southwest)
130. WaveTel NC License Corporation (d/b/a: none)
131. WIN Sales & Leasing, Inc. (d/b/a: Communications Sales and Leasing, Inc.)
132. Windstream Accucomm Networks, LLC (d/b/a: none)
133. Windstream Accucomm Telecommunications, LLC (d/b/a: none)
134. Windstream Alabama, LLC (d/b/a: none)
135. Windstream Arkansas, LLC (d/b/a: none)
136. Windstream Buffalo Valley, Inc. (d/b/a: none)
137. Windstream BV Holdings, LLC (d/b/a: Windstream BV Holdings, Inc.; Broadview Network Holdings, Inc.)
138. Windstream Cavalier, LLC (d/b/a: none)
139. Windstream Communications Kerrville, LLC (d/b/a: none)
140. Windstream Communications Telecom, LLC (d/b/a: none)
141. Windstream Communications, LLC (d/b/a: Windstream Communications, Inc.)
142. Windstream Concord Telephone, LLC (d/b/a: Windstream Concord Telephone, Inc.)
143. Windstream Conestoga, Inc. (d/b/a: none)
144. Windstream CTC Internet Services, Inc. (d/b/a: none)
145. Windstream D&E Systems, LLC (d/b/a: Windstream D&E Systems, Inc.)
146. Windstream D&E, Inc. (d/b/a: none)
147. Windstream Direct, LLC (d/b/a: none)
148. Windstream Eagle Holdings LLC (d/b/a: Earthlink Holdings, LLC; Earthlink Holdings Corp.)
149. Windstream Eagle Services, LLC (d/b/a: Earthlink Services, LLC)
150. Windstream EN-TEL, LLC (d/b/a: none)
151. Windstream Finance Corp. (d/b/a: none)
152. Windstream Florida, LLC (d/b/a: Windstream Florida, Inc.)
153. Windstream Georgia Communications, LLC
154. Windstream Georgia Telephone, LLC (d/b/a: none)
155. Windstream Georgia, LLC (d/b/a: none)
156. Windstream Holding of the Midwest, Inc. (d/b/a: none)
157. Windstream Iowa Communications, LLC (d/b/a: Windstream Iowa Communications, Inc.)
158. Windstream Iowa-Comm, LLC (d/b/a: Windstream Iowa-Comm, Inc.)
159. Windstream IT-Comm, LLC (d/b/a: none)
160. Windstream KDL, LLC (d/b/a: none)
161. Windstream KDL-VA, LLC (d/b/a: none)
162. Windstream Kentucky East, LLC (d/b/a: none)
163. Windstream Kentucky West, LLC (d/b/a: none)
164. Windstream Kerrville Long Distance, LLC (d/b/a: none)
165. Windstream Lakedale Link, Inc. (d/b/a: none)

166. Windstream Lakedale, Inc. (d/b/a: none)
167. Windstream Leasing, LLC (d/b/a: none)
168. Windstream Lexcom Communications, LLC (d/b/a: Windstream Lexcom Communications, Inc.)
169. Windstream Lexcom Entertainment, LLC (d/b/a: none)
170. Windstream Lexcom Long Distance, LLC (d/b/a: none)
171. Windstream Lexcom Wireless, LLC (d/b/a: none)
172. Windstream Mississippi, LLC (d/b/a: none)
173. Windstream Missouri, LLC (d/b/a: Windstream Missouri, Inc.)
174. Windstream Montezuma, LLC (d/b/a: Windstream Montezuma, Inc.)
175. Windstream Nebraska, Inc. (d/b/a: none)
176. Windstream Network Services of the Midwest, Inc. (d/b/a: none)
177. Windstream New York, Inc. (d/b/a: none)
178. Windstream Norlight, LLC (d/b/a: Windstream Norlight, Inc.; Norlight, Inc.)
179. Windstream North Carolina, LLC (d/b/a: none)
180. Windstream NorthStar, LLC (d/b/a: none)
181. Windstream NTI, LLC (d/b/a: Windstream NTI, Inc.)
182. Windstream NuVox Arkansas, LLC (d/b/a: Windstream NuVox Arkansas, Inc.)
183. Windstream NuVox Illinois, LLC (d/b/a: Windstream NuVox Illinois, Inc.)
184. Windstream NuVox Indiana, LLC (d/b/a: Windstream NuVox Indiana, Inc.)
185. Windstream NuVox Kansas, LLC (d/b/a: Windstream NuVox Kansas, Inc.)
186. Windstream NuVox Missouri, LLC (d/b/a: Windstream NuVox Missouri, Inc.)
187. Windstream NuVox Ohio, LLC (d/b/a: Windstream NuVox Ohio, Inc.)
188. Windstream NuVox Oklahoma, LLC (d/b/a: Windstream NuVox Oklahoma, Inc.)
189. Windstream NuVox, LLC (d/b/a: Windstream NuVox, Inc.)
190. Windstream of the Midwest, Inc. (d/b/a: none)
191. Windstream Ohio, LLC (d/b/a: none)
192. Windstream Oklahoma, LLC (d/b/a: none)
193. Windstream Pennsylvania, LLC (d/b/a: none)
194. Windstream Services, LLC (d/b/a: Windstream Corporation)
195. Windstream SHAL Networks, Inc. (d/b/a: none)
196. Windstream SHAL, LLC (d/b/a: none)
197. Windstream Shared Services, LLC (d/b/a: Earthlink Shared Services, LLC)
198. Windstream South Carolina, LLC (d/b/a: none)
199. Windstream Southwest Long Distance, LLC (d/b/a: none)
200. Windstream Standard, LLC (d/b/a: none)
201. Windstream Sugar Land, LLC (d/b/a: none)
202. Windstream Supply, LLC (d/b/a: none)
203. Windstream Systems of the Midwest, Inc. (d/b/a: none)
204. Windstream Western Reserve, LLC (d/b/a: none)
205. Xeta Technologies, Inc. (d/b/a: none)

The address for each of 1 through 205 is:

4001 North Rodney Parham Road
Little Rock, Arkansas 72212
Pulaski County, Arkansas

206. Official Committee of Unsecured Creditors for Windstream Holdings, Inc.

The address for 206 is:

c/o Lorenzo Marinuzzi

Morrison & Foerster LLP
250 West 55th Street
New York, New York 10019
New York County, New York

Brian Hockett (*pro hac vice*)
THOMPSON COBURN LLP
One US Bank Plaza
St. Louis, MO 63101
Telephone: (314) 552-6000
Facsimile: (314) 552-7000

Counsel for Defendants/Appellants
Charter Communications, Inc. and
Charter Communications Operating, LLC

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF NEW YORK

Related Case Statement

Full Caption of Later Filed Case:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WINDSTREAM HOLDINGS, INC., et al., ¹)	
)	
Plaintiff-Appellee,)	
)	
v.	)	Case No. _____
)	
CHARTER COMMUNICATIONS, INC.)	
and CHARTER COMMUNICATIONS)	
OPERATING, LLC,)	
)	
Defendants-Appellants.)	
)	
)	
)	

¹ See attached listing.

Full Caption of Earlier Filed Cases

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

WINDSTREAM HOLDINGS, INC., et al.)	
)	
Plaintiffs,)	
)	
v.	)	Case No. 7:19-cv-09354-CS
)	
CHARTER COMMUNICATIONS, INC.)	
and CHARTER COMMUNICATIONS)	
OPERATING, LLC,)	
)	
Defendants.)	
)	
)	
)	

**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. 19-22397 (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.)	
_____)	

Status of Earlier Filed Cases:

☐ CLOSED

☒ OPEN

On April 15, 2021, the Honorable Robert D. Drain entered Judgment on the docket maintained by the clerk of court (Adv. Dkt. 334), against Defendants and in favor of Plaintiffs on Counts VI and VII of Plaintiffs' Complaint in Adv. Proc. No. 19-08246, referenced above in the United States Bankruptcy Court for the Southern District of New York.

The case before the Honorable Cathy Seibel, No. 19-cv-09354, remains open. In Case No. 19-cv-09354, the District Court withdrew the automatic bankruptcy reference for Counts I through V from the adversary proceeding. *See* April 21, 2020 Bench Ruling; *see also* Dkt. No. 39 (transcript of April 21, 2020 hearing including bench ruling on motion to withdraw).

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case:

Charter's appeal is from the underlying adversary proceeding (Case No. 19-08246 (RDD)), not a contested, or other, matter pending in the Chapter 11 case (Case No. 19-22397 (RDD)). The appeal from the adversary proceeding is related to Case No. 19-cv-09354-CS because when Judge Seibel withdrew the reference on Counts I through V, the district court provided for the bankruptcy court to enter a final judgment on the claims presented in Counts VI and VII. See Case No. 19-cv-09354-CS, Dkt. No. 39 at 33:21-23 (addressing the possibility that Defendants "will have a final judgment they can appeal from" following a bench trial on Counts VI and VII) and 37:11-16 (contemplating a "new civil case in the district court" following an appeal from "the final order that's entered by Judge Drain on Counts VI and VII"). The appeal in the new matter and the earlier filed case (19-cv-09354-CS) originate from the same adversary proceeding and involve the same parties.

Dated: April 29, 2021

Respectfully submitted,

THOMPSON COBURN LLP

By /s/ Brian Hockett

Brian Hockett (pro hac vice)
THOMPSON COBURN LLP
One U.S. Bank Plaza, Suite 2700
St. Louis, MO 63101
314-552-6000
314-552-7000 (fax)
bhockett@thompsoncoburn.com

Attorneys for Charter Communications, Inc. and
Charter Communications Operating, LLC

ATTACHMENT – RELATED CASE STATEMENT

Plaintiffs/Appellees

1. Windstream Holdings, Inc. (d/b/a: none)²
2. Windstream Business Holdings, LLC (d/b/a: Earthlink, LLC)
3. Allworx Corp. (d/b/a: none)
4. American Telephone Company, LLC (d/b/a: none)
5. ARC Networks, Inc. (d/b/a: none)
6. A.R.C. Networks, Inc. (d/b/a: none)
7. ATX Communications, Inc. (d/b/a: none)
8. ATX Licensing, Inc. (d/b/a: none)
9. ATX Telecommunications Services of Virginia, LLC (d/b/a: none)
10. Birmingham Data Link, LLC (d/b/a: none)
11. BOB, LLC (d/b/a: Business Only Broadband; Windstream Fixed Wireless, LLC)
12. Boston Retail Partners LLC (d/b/a: none)
13. BridgeCom Holdings, Inc. (d/b/a: none)
14. BridgeCom International, Inc. (d/b/a: none)
15. BridgeCom Solutions Group, Inc. (d/b/a: none)
16. Broadview Networks, Inc. (d/b/a: none)
17. Broadview Networks of Massachusetts, Inc. (d/b/a: none)
18. Broadview Networks of Virginia, Inc. (d/b/a: none)
19. Broadview NP Acquisition Corp. (d/b/a: none)
20. Buffalo Valley Management Services, Inc. (d/b/a: none)
21. Business Telecom of Virginia, Inc. (d/b/a: none)
22. Business Telecom, LLC (d/b/a Earthlink Business Solutions; Earthlink Business; Earthlink Business I; Earthlink Business III; Earthlink Business IV; Earthlink Business VIII; Earthlink Business IX; BTI; BTI Telecommunications Services)
23. BV-BC Acquisition Corporation (d/b/a: none)
24. Cavalier IP TV, LLC (d/b/a: none)
25. Cavalier Services, LLC (d/b/a: none)
26. Cavalier Telephone Mid-Atlantic, L.L.C. (d/b/a: none)
27. Cavalier Telephone, L.L.C. (d/b/a: none)
28. CCL Historical, Inc. (d/b/a: none)
29. Choice One Communications of Connecticut Inc. (d/b/a: Earthlink Business; One Communications; One Communications Corp.)
30. Choice One Communications of Maine Inc. (d/b/a: Earthlink Business; Earthlink Business II; One Communications)

² D/b/a refers to “[a]ll other names debtor used in the last 8 years” as listed in Paragraph 2 of Official Form 201 each Plaintiff filed in the bankruptcy division of the United States District Court for the Southern District Court of New York on February 25, 2019. D/b/a includes “any assumed names, trade names, and *doing business as* names.” E.g., Official Form 201, Choice One Communications of Maine, Inc., No. 19-22324, ECF 1 (S.D.N.Y. Bankr. Feb. 25, 2019) at 1, ¶2 (admitted as Defendants’ Exhibit 185).

31. Choice One Communications of Massachusetts Inc. (d/b/a: Earthlink Business; One Communications)
32. Choice One Communications of New York Inc. (d/b/a: Earthlink Business; One Communications)
33. Choice One Communications of Ohio Inc. (d/b/a: Earthlink Business; One Communications)
34. Choice One Communications of Pennsylvania Inc. (d/b/a: Earthlink Business; One Communications)
35. Choice One Communications of Rhode Island Inc. (d/b/a: Earthlink Business; One Communications)
36. Choice One Communications Resale L.L.C. (d/b/a: Earthlink Business; One Communications)
37. Choice One Communications of Vermont Inc. (d/b/a: Earthlink Business; Earthlink Business IV; One Communications)
38. Choice One of New Hampshire, Inc. (d/b/a: Earthlink Business; One Communications)
39. Cinergy Communications Company of Virginia, LLC (d/b/a: Cinergy Communications Company of Virginia)
40. Conestoga Enterprises, Inc. (d/b/a: none)
41. Conestoga Management Services, Inc. (d/b/a: none)
42. Conestoga Wireless Company (d/b/a: none)
43. Connecticut Broadband, LLC (d/b/a: Earthlink Business; One Communications)
44. Connecticut Telephone & Communication Systems, Inc. (d/b/a: Earthlink Business; One Communications)
45. Conversent Communications Long Distance, LLC (d/b/a: Earthlink Business; One Communications Long Distance of New Hampshire)
46. Conversent Communications of Connecticut, LLC (d/b/a: Earthlink Business; One Communications; One Communication Corp.)
47. Conversent Communications of Maine, LLC (d/b/a: Earthlink Business IV; One Communication IV)
48. Conversent Communications of Massachusetts, Inc. (d/b/a: Earthlink Business; One Communications)
49. Conversent Communications of New Hampshire, LLC (d/b/a: Earthlink Business; One Communications of New Hampshire)
50. Conversent Communications of New Jersey, LLC (d/b/a: Earthlink Business)
51. Conversent Communications of New York, LLC (d/b/a: Earthlink Business; One Communications)
52. Conversent Communications of Pennsylvania, LLC (d/b/a: Earthlink Business; One Communications)
53. Conversent Communications of Rhode Island, LLC (d/b/a: Earthlink Business IV; One Communications IV)
54. Conversent Communications of Vermont, LLC (d/b/a: Earthlink Business; Earthlink Business IV; One Communications)
55. Conversent Communications Resale L.L.C. (d/b/a: Earthlink Business; Earthlink Business III; Earthlink Business IV; One Communications)
56. CoreComm-ATX, Inc. (d/b/a: none)

57. CoreComm Communications, LLC (d/b/a: none)
58. CTC Communications Corporation (d/b/a: Earthlink Business; Earthlink Business I; Earthlink Business IV; Earthlink Business, Inc.; One Communications; One Communications Corp.)
59. CTC Communications of Virginia, Inc. (d/b/a: none)
60. D&E Communications, LLC (d/b/a: D&E Communications, Inc.)
61. D&E Management Services, Inc. (d/b/a: none)
62. D&E Networks, Inc. (d/b/a: none)
63. D&E Wireless, Inc. (d/b/a: none)
64. Deltacom, LLC (d/b/a: Earthlink Business; Earthlink Business I; Earthlink Business IV; Earthlink Business Solutions)
65. Earthlink Business, LLC (d/b/a: Earthlink Business)
66. Earthlink Carrier, LLC (d/b/a: none)
67. Equity Leasing, Inc. (d/b/a: Equity Leasing of Illinois (Illinois only))
68. Eureka Broadband Corporation (d/b/a: none)
69. Eureka Holdings, LLC (d/b/a: none)
70. Eureka Networks, LLC (d/b/a: none)
71. Eureka Telecom, Inc. (d/b/a: none)
72. Eureka Telecom of VA, Inc. (d/b/a: none)
73. Georgia Windstream, LLC (d/b/a: none)
74. Heart of the Lakes Cable Systems, Inc. (d/b/a: none)
75. Infocore, Inc. (d/b/a: none)
76. Info-Highway International, Inc. (d/b/a: none)
77. InfoHighway Communications Corporation (d/b/a: none)
78. InfoHighway of Virginia, Inc. (d/b/a: none)
79. Intellifiber Networks, LLC (d/b/a: Intellifiber Networks, Inc.)
80. Iowa Telecom Data Services, L.C. (d/b/a: none)
81. Iowa Telecom Technologies, LLC (d/b/a: none)
82. IWA Services, LLC (d/b/a: none)
83. KDL Holdings, LLC (d/b/a: none)
84. LDMI Telecommunications, LLC (d/b/a: LDMI Telecommunications, Inc.; LDMI Telecommunications)
85. Lightship Telecom, LLC (d/b/a: Earthlink Business; Earthlink Business I; Earthlink Business IV; One Communications)
86. MassComm, LLC (d/b/a: none)
87. McLeodUSA Information Services LLC (d/b/a: none)
88. McLeodUSA Purchasing, LLC (d/b/a: none)
89. McLeodUSA Telecommunications Services, L.L.C. (d/b/a: PaeTec Business Services)
90. MPX, Inc. (d/b/a: none)
91. Nashville Data Link, LLC (d/b/a: none)
92. Network Telephone, LLC (d/b/a: Cavalier Telephone; Cavalier Telephone and TV; Cavalier Business Communications)
93. Norlight Telecommunications of Virginia, LLC (d/b/a: Norlight Telecommunications of Virginia, Inc.)
94. Oklahoma Windstream, LLC (d/b/a: none)

95. Open Support Systems, LLC (d/b/a: none)
96. PaeTec Communications of Virginia, LLC (d/b/a: none)
97. PaeTec Communications, LLC (d/b/a: PaeTec Communications, Inc.)
98. PAETEC Holding, LLC (d/b/a: PAETEC Holding Corp.)
99. PAETEC iTEL, L.L.C. (d/b/a: none)
100. PAETEC Realty LLC (d/b/a: none)
101. PAETEC, LLC (d/b/a: PAETEC Corp.)
102. PCS Licenses, Inc. (d/b/a: none)
103. Progress Place Realty Holding Company, LLC (d/b/a: none)
104. RevChain Solutions, LLC (d/b/a: none)
105. SM Holdings, LLC (d/b/a: none)
106. Southwest Enhanced Network Services, LLC (d/b/a: Southwest Enhanced Network Services, LP)
107. Talk America of Virginia, LLC (d/b/a: Talk America of Virginia, Inc.; Cavalier Telephone)
108. Talk America, LLC (d/b/a: Talk America, Inc.; Cavalier Telephone; Cavalier Business Communications)
109. Teleview, LLC (d/b/a: none)
110. Texas Windstream, LLC (d/b/a: Texas Windstream, Inc.)
111. The Other Phone Company, LLC (d/b/a: Cavalier Business Communications; The Phone Company)
112. TriNet, LLC (d/b/a: none)
113. TruCom Corporation (d/b/a: none)
114. US LEC Communications LLC (d/b/a: PaeTec Business Services)
115. US LEC of Alabama LLC (d/b/a: none)
116. US LEC of Florida LLC (d/b/a: none)
117. US LEC of Georgia LLC (d/b/a: PaeTec Business Services)
118. US LEC of Maryland LLC (d/b/a: none)
119. US LEC of North Carolina LLC (d/b/a: none)
120. US LEC of Pennsylvania LLC (d/b/a: none)
121. US LEC of South Carolina LLC (d/b/a: none)
122. US LEC of Tennessee LLC (d/b/a: none)
123. US LEC of Virginia LLC (d/b/a: PaeTec Business Services)
124. US Xchange Inc. (d/b/a: Earthlink Business; One Communications; Choice One; Choice One Communications)
125. US Xchange of Illinois, L.L.C. (d/b/a: Earthlink Business; One Communications)
126. US Xchange of Indiana, L.L.C. (d/b/a: Earthlink Business; One Communications)
127. US Xchange of Michigan, L.L.C. (d/b/a: Earthlink Business; One Communications)
128. US Xchange of Wisconsin, L.L.C. (d/b/a: Earthlink Business; One Communications)
129. Valor Telecommunications of Texas, LLC (d/b/a: Windstream Communications Southwest)
130. WaveTel NC License Corporation (d/b/a: none)
131. WIN Sales & Leasing, Inc. (d/b/a: Communications Sales and Leasing, Inc.)
132. Windstream Accucomm Networks, LLC (d/b/a: none)
133. Windstream Accucomm Telecommunications, LLC (d/b/a: none)
134. Windstream Alabama, LLC (d/b/a: none)

135. Windstream Arkansas, LLC (d/b/a: none)
136. Windstream Buffalo Valley, Inc. (d/b/a: none)
137. Windstream BV Holdings, LLC (d/b/a: Windstream BV Holdings, Inc.; Broadview Network Holdings, Inc.)
138. Windstream Cavalier, LLC (d/b/a: none)
139. Windstream Communications Kerrville, LLC (d/b/a: none)
140. Windstream Communications Telecom, LLC (d/b/a: none)
141. Windstream Communications, LLC (d/b/a: Windstream Communications, Inc.)
142. Windstream Concord Telephone, LLC (d/b/a: Windstream Concord Telephone, Inc.)
143. Windstream Conestoga, Inc. (d/b/a: none)
144. Windstream CTC Internet Services, Inc. (d/b/a: none)
145. Windstream D&E Systems, LLC (d/b/a: Windstream D&E Systems, Inc.)
146. Windstream D&E, Inc. (d/b/a: none)
147. Windstream Direct, LLC (d/b/a: none)
148. Windstream Eagle Holdings LLC (d/b/a: Earthlink Holdings, LLC; Earthlink Holdings Corp.)
149. Windstream Eagle Services, LLC (d/b/a: Earthlink Services, LLC)
150. Windstream EN-TEL, LLC (d/b/a: none)
151. Windstream Finance Corp. (d/b/a: none)
152. Windstream Florida, LLC (d/b/a: Windstream Florida, Inc.)
153. Windstream Georgia Communications, LLC
154. Windstream Georgia Telephone, LLC (d/b/a: none)
155. Windstream Georgia, LLC (d/b/a: none)
156. Windstream Holding of the Midwest, Inc. (d/b/a: none)
157. Windstream Iowa Communications, LLC (d/b/a: Windstream Iowa Communications, Inc.)
158. Windstream Iowa-Comm, LLC (d/b/a: Windstream Iowa-Comm, Inc.)
159. Windstream IT-Comm, LLC (d/b/a: none)
160. Windstream KDL, LLC (d/b/a: none)
161. Windstream KDL-VA, LLC (d/b/a: none)
162. Windstream Kentucky East, LLC (d/b/a: none)
163. Windstream Kentucky West, LLC (d/b/a: none)
164. Windstream Kerrville Long Distance, LLC (d/b/a: none)
165. Windstream Lakedale Link, Inc. (d/b/a: none)
166. Windstream Lakedale, Inc. (d/b/a: none)
167. Windstream Leasing, LLC (d/b/a: none)
168. Windstream Lexcom Communications, LLC (d/b/a: Windstream Lexcom Communications, Inc.)
169. Windstream Lexcom Entertainment, LLC (d/b/a: none)
170. Windstream Lexcom Long Distance, LLC (d/b/a: none)
171. Windstream Lexcom Wireless, LLC (d/b/a: none)
172. Windstream Mississippi, LLC (d/b/a: none)
173. Windstream Missouri, LLC (d/b/a: Windstream Missouri, Inc.)
174. Windstream Montezuma, LLC (d/b/a: Windstream Montezuma, Inc.)
175. Windstream Nebraska, Inc. (d/b/a: none)
176. Windstream Network Services of the Midwest, Inc. (d/b/a: none)

177. Windstream New York, Inc. (d/b/a: none)
178. Windstream Norlight, LLC (d/b/a: Windstream Norlight, Inc.; Norlight, Inc.)
179. Windstream North Carolina, LLC (d/b/a: none)
180. Windstream NorthStar, LLC (d/b/a: none)
181. Windstream NTI, LLC (d/b/a: Windstream NTI, Inc.)
182. Windstream NuVox Arkansas, LLC (d/b/a: Windstream NuVox Arkansas, Inc.)
183. Windstream NuVox Illinois, LLC (d/b/a: Windstream NuVox Illinois, Inc.)
184. Windstream NuVox Indiana, LLC (d/b/a: Windstream NuVox Indiana, Inc.)
185. Windstream NuVox Kansas, LLC (d/b/a: Windstream NuVox Kansas, Inc.)
186. Windstream NuVox Missouri, LLC (d/b/a: Windstream NuVox Missouri, Inc.)
187. Windstream NuVox Ohio, LLC (d/b/a: Windstream NuVox Ohio, Inc.)
188. Windstream NuVox Oklahoma, LLC (d/b/a: Windstream NuVox Oklahoma, Inc.)
189. Windstream NuVox, LLC (d/b/a: Windstream NuVox, Inc.)
190. Windstream of the Midwest, Inc. (d/b/a: none)
191. Windstream Ohio, LLC (d/b/a: none)
192. Windstream Oklahoma, LLC (d/b/a: none)
193. Windstream Pennsylvania, LLC (d/b/a: none)
194. Windstream Services, LLC (d/b/a: Windstream Corporation)
195. Windstream SHAL Networks, Inc. (d/b/a: none)
196. Windstream SHAL, LLC (d/b/a: none)
197. Windstream Shared Services, LLC (d/b/a: Earthlink Shared Services, LLC)
198. Windstream South Carolina, LLC (d/b/a: none)
199. Windstream Southwest Long Distance, LLC (d/b/a: none)
200. Windstream Standard, LLC (d/b/a: none)
201. Windstream Sugar Land, LLC (d/b/a: none)
202. Windstream Supply, LLC (d/b/a: none)
203. Windstream Systems of the Midwest, Inc. (d/b/a: none)
204. Windstream Western Reserve, LLC (d/b/a: none)
205. Xeta Technologies, Inc. (d/b/a: none)

Parties No. 1 through No. 205 are represented by:

Attorney:	Terence P. Ross Michael R. Justus Shaya Rochester Katten Muchin Rosenman LLP 575 Madison Avenue New York, NY 10022 212-940-8800 terence.ross@kattenlaw.com michael.justus@kattenlaw.com shaya.rochester@kattenlaw.com
-----------	--

Intervening Party/Appellee

Official Committee of Unsecured Creditors of Windstream Holdings, Inc.

Attorney: Lorenzo Marinuzzi
Steven T. Rappoport
Morrison & Foerster LLP
250 West 55th Street
New York, NY 10019
212-468-8000
lmarinuzzi@mofo.com
srappoport@mofo.com