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

In re:	)	Chapter 11
	)	
WINDSTREAM FINANCE, CORP., <i>et al.</i> , <sup>1</sup>	)	Case No. 19-22397 (RDD)
	)	
Reorganized Debtors.	)	(Formerly Jointly
	)	Administered under Lead
	)	Case: Windstream Holdings,
WINDSTREAM HOLDINGS, INC., <i>et al.</i> ,	)	Inc., No. 19-22312)
	)	
Plaintiffs,	)	
	)	Adv. Pro. No. 19-08246
v.	)	
	)	
CHARTER COMMUNICATIONS, INC. and	)	
CHARTER COMMUNICATIONS OPERATING, LLC,	)	
	)	
Defendants.	)	

**PLAINTIFFS-APPELLEES' DESIGNATION OF ADDITIONAL ITEMS TO BE  
INCLUDED ON THE RECORD ON APPEAL**

<sup>1</sup> The last four digits of Reorganized Debtor Windstream Finance, Corp.'s tax identification number are 5713. Due to the large number of Reorganized Debtors in these Chapter 11 cases, for which joint administration has been granted, a complete list of the Reorganized 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.



Pursuant to Federal Rule of Bankruptcy Procedure 8009, Windstream Holdings, Inc. and affiliates in the above-captioned Chapter 11 cases (collectively, “Plaintiffs-Appellees”) respectfully designate the following additional items to be included in the Record on Appeal. Plaintiffs-Appellees reserve their right to designate additional items for inclusion in the record.

**Designation of Additional Items to be Included in the Record on Appeal**

<b>Item No.</b>	<b>Date</b>	<b>Docket No.</b>	<b>Document Title</b>
264	04/04/2019	2	Debtors’ Motion for Temporary Restraining Order, Preliminary Injunction and Other Equitable Relief
265	04/05/2019	3	Affidavit of Lewis Langston in support of Debtors’ Motion for a Temporary Restraining Order, Preliminary Injunction and Other Equitable Relief
266	04/11/2019	8	Supplemental Declaration of Lewis Langston in support of Debtors’ Motion for Temporary Restraining Order, Preliminary Injunction and Other Equitable Relief
267	04/11/2019	12	Opposition to Debtors’ Motion for Temporary Restraining Order
268	04/12/2019	17	Debtors’ Reply in Support of Their Motion for Temporary Restraining Order, Preliminary Injunction and Other Equitable Relief
269	04/24/2019	31	Show Cause Order signed on 4/24/2019 Setting a Hearing with Request to Debtors’ Motion for Preliminary Injunction and Other Equitable Relief
270	05/06/2019	35	Debtors’ Memorandum of Law in support of Preliminary Injunction
271	05/06/2019	36	Declaration of Tami Sims in support of Debtors’ Motion for Preliminary Injunction
272	05/06/2019	37	Declaration of Shaya Rochester in Support of Debtors’ Motion for Preliminary Injunction
273	05/08/2019	40	Charter’s Response to Order to Show Cause
274	05/08/2019	41	Answer to Complaint

<b>Item No.</b>	<b>Date</b>	<b>Docket No.</b>	<b>Document Title</b>
275	05/08/2019	44	Declaration of Brian Hockett
276	05/10/2019	47	Debtors' Reply Memorandum in Support of a Preliminary Injunction Against Charter
277	05/10/2019	49	Supplemental Declaration of Tami Sims in Support of Debtors' Reply in Support of Motion for Preliminary Injunction
278	05/10/2019	50	Declaration of Timothy Wyatt in Support of Debtors' Reply in Support of Motion for Preliminary Injunction and Other Equitable Relief
279	05/10/2019	51	Declaration of Shonne Bandy in Support of Debtors' Reply in Support of Motion for Preliminary Injunction and Other Equitable Relief
280	05/24/2019	69	Order to Show Cause Signed on 5/24/2019. Hearing to be held 8/7/2019 with Respect to Holding Charter in Contempt for Violating Automatic Stay
281	06/07/2019	74	Confidentiality Agreement and Stipulated Protective Order Signed on 6/7/2019
282	6/18/2019	83	Transcript Regarding Hearing Held on 5/14/19
283	08/28/2019	94	Letter (Request for Telephonic Discovery Dispute Conference)
284	98/29/2019	95	Letter Debtors' Response to Charter's Telephonic Discovery Dispute Conference
285	09/09/2019	96	Windstream's Letter Request for Telephonic Discovery Dispute Conference
286	09/10/2019	98	Letter Charter's Response to Windstream's Request for Telephonic Discovery Dispute Conference to Quash Subpoenas directed to KCC
287	09/13/2019	101	Letter Charter's Request for Telephonic Discovery Dispute Conference
288	09/16/2019	102	Letter Debtors' Response to Charter's Request for Telephonic Discovery Dispute Conference
289	10/10/2019	107	Letter re Request for Pre-Motion Conference Regarding Summary Judgment
290	10/14/2019	111	Letter re Windstream's Request for Pre-

Item No.	Date	Docket No.	Document Title
			Motion Conference re Summary Judgment
291	11/18/2019	136	Letter Request for Telephonic Conference
292	11/19/2019	138	Letter Charter's Response to Windstream's Request for Telephonic Conference Regarding Charter's Undisputed Facts
293	01/9/2020	218	Debtors' Memorandum of Law in Opposition to Defendant's Motion to Strike John C. Jarosz's Declarations
294	01/13/2020	228	Debtors' Reply Memorandum in Support of Their Motion for Leave to File a Rebuttal Expert Report
295	01/16/2020	241	Windstream's Statement in Support of This Court's Jurisdiction
296	01/28/2020	250	Order Denying In Part and Continuing In Part Debtors' Motion to Exclude the Expert Testimony of Jules Kamin
297	01/28/2020	255	Order signed on 1/28/2020 Denying Defendants' Motion to Strike the Declarations of John C. Jarosz
298	01/30/2020	257	Debtors' Statement in Response to Defendant's Designations of the Record
299	01/30/2020	258	Order signed on 1/30/2020 on Defendants' Motion to Recognition that the Bankruptcy Court is Divested
300	02/06/2020	263	Debtors' Objections to Defendant's Motion to Continue the March 30, 2020 Trial Setting for Counts VI and VII Pending a Jury Trial on the Predicate Claims (Counts I-V)
301	03/02/2020	273	Debtors' Deposition Designations
302	3/16/2020	280	Debtors' Rule 26(a)(3)(B) Objections and Counter - Designations
303	3/17/2020	282	Debtors' Designation of Additional Items to be Included in the Record on Appeal
304	04/22/2020	300	Debtors' Motion <i>in Limine</i> to Strike Defendant's Use at Trail of Certain Deposition Testimony, Exhibits, and Proposed Trail Testimony
305	04/24/2020	303	Debtors' Objections to Defendant's Motion <i>in Limine</i> to Preclude the Trial Declaration of Jeffery Auman

Item No.	Date	Docket No.	Document Title
306	04/24/2020	304	Declaration of Grace A. Thompson in Support of the Debtors' Objections to Defendant's Motion <i>in Limine</i> to Preclude the Trial Declaration of Jeffrey Auman
307	04/24/2020	305	Debtors' Objection to Defendant's Motion <i>in Limine</i> to Exclude Inadmissible and Incomplete Deposition Testimony
308	04/24/2020	307	Debtors' Objection to Defendant's Omnibus Motion <i>in Limine</i>
309	04/28/2020	309	Debtors' Objection to Defendant's Motion for Judicial Notice
310	06/09/2020	318	The Committee's Post-Trial Brief on behalf of Official Committee of Unsecured Creditors
311	04/29/2021	337	Notice of Appeal
312	05/06/2020	Attached	Plaintiffs Trial Ex. No. 350 – Debtors' Objections and Responses to Charter's Written Discovery Related to Alleged Legal and Promotional Costs
313	03/02/2020	Attached	Plaintiffs' Designations from Rule 30(b)(6) Deposition of Kelly Atkinson, taken May 1, 2019
314	03/02/2020	Attached	Plaintiffs' Designations from Rule 30(b)(6) Deposition of Kelly Atkinson, taken September 19, 2019
315	03/02/2020	Attached	Plaintiffs' Designations from Rule 30(b)(6) Deposition of Keith Dardis, taken May 1, 2019
316	03/02/2020	Attached	Plaintiffs' Designations from Rule 30(b)(6) Deposition of Fredrick Gunzel, taken September 19, 2019
317	03/02/2020	Attached	Plaintiffs' Designations from Rule 30(b)(6) Deposition of Matthew Kardos, taken September 12, 2019
318	03/02/2020	Attached	Plaintiffs' Designations from Rule 30(b)(6) Deposition of Lewis Langston, taken May 1, 2019
319	03/02/2020	Attached	Plaintiffs' Designations from Deposition Pursuant to Subpoena of Peter Maguire of RAPP Worldwide Inc., taken September 12, 2019
320	03/02/2020	Attached	Plaintiffs' Designations from Deposition Pursuant to Subpoena of Andrew Sites, taken September 10, 2019

Item No.	Date	Docket No.	Document Title
321	03/02/2020	Attached	Plaintiffs' Designations from Deposition of Paul Strickland, taken September 20, 2019
322	03/02/2020	Attached	Plaintiffs' Designations from Deposition of Latisha Truong, taken September 19, 2019
323	03/02/2020	Attached	Plaintiffs' Designations from Deposition of Emmitt Walker, taken September 11, 2019

Dated: May 27, 2021  
New York, NY

/s/ Terence P. Ross  
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*Conflicts Counsel to Plaintiffs-Appellees*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of May 2021, I caused a true and correct copy of Plaintiffs-Appellees' Designation Of Additional Items To Be Included On The Record On Appeal to be filed electronically using the CM/ECF System, which will then send a notification of such filing (NEF) to all counsel of record in this lawsuit.

Dated: May 27, 2021

/s/ Terence P. Ross

Terence P. Ross