

Plaintiffs-Appellees' proposal is fine with the Court.

SO ORDERED.


CATHY SEIBEL, U.S.D.J.

9/22/21

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September 22, 2021

Via ECF and Electronic Mail

Honorable Cathy Seibel
United States District Judge
United States District Court for the Southern District of New York
300 Quarropas St.
White Plains, NY 10601-4150

Re: *Windstream Holdings, Inc., et al. v. Charter Communications, Inc. and Charter Communications Operating, LLC*, Civil Action No. 21-cv-04552 (CS)

Dear Judge Seibel:

We represent Windstream Holdings, Inc. and each of its affiliates (collectively, the “Plaintiffs-Appellees”) in the above-referenced appeal from a decision by Judge Drain in an adversary proceeding (Adv. Proc. No. 19-08246 (RDD), Bankr. No. 19-22312 (RDD)). We write regarding Plaintiffs-Appellees’ manner of compliance with the Corporate Disclosure requirement of Fed. R. Bankr. P. 8012.

Rule 8012(a) provides that a nongovernmental corporation “must file a statement that identifies any parent corporation and any publicly held corporation that owns 10% or more of its stock or states that there is no such corporation.” Rule 8012(b) further provides that a party must file a statement that “identifies each debtor not named in the caption,” and “for each debtor that is a corporation, discloses the information required by Rule 8012(a).” Finally, Rule 8012(c) requires that such statements “be included before the table of contents in the principal brief.”

Plaintiffs-Appellees are 205 jointly administered debtors, and—in compliance with Rule 8012(a)-(b)—their disclosure statement will necessarily encompass all of those debtors. In Plaintiffs-Appellees’ view, however, placing that statement in its entirety before the table of contents excessively lengthens the brief and inconveniences the Court.

In light of the foregoing, and on guidance from the Clerk of Court’s office, Plaintiffs-Appellees contacted the Court’s Courtroom Deputy and explained that Plaintiffs-Appellees proposed to comply with Rule 8012 by including the substance of their Corporate Disclosure Statement as an Exhibit to their principal brief, while inserting a Corporate Disclosure Statement section prior to the table of contents that incorporates the Exhibit by reference. The Court’s Courtroom Deputy suggested that Plaintiffs-Appellees submit this proposal to the Court for its approval.



Katten

September 22, 2021
Page 2

We thank the Court in advance for its guidance in this matter.

Respectfully submitted,

/s/ Terence P. Ross
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