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-and-

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Counsel to Plaintiff

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

In re:)	Chapter 11
)	
WINDSTREAM FINANCE CORP., <i>et al.</i> , ¹)	Case No. 19-22397 (RDD)
)	
Reorganized Debtors.)	(Formerly Jointly Administered under
)	Lead Case: Windstream Holdings, Inc.,
)	Case No. 19-22312)
)	
WINDSTREAM KDL, LLC)	
)	
Plaintiff,)	Adversary Proceeding
)	
v.)	Case No. 21-07095 (RDD)
)	
CMN-RUS, INC.)	
)	
Defendant.)	

PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

¹ 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 debtor entities 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.



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COMES NOW Windstream KDL, LLC (“Windstream”) and files this *Notice of Voluntary Dismissal* and would respectfully state as follows:

1. On October 22, 2021, Windstream commenced the above-captioned adversary proceeding against CMN-RUS, Inc. (“CMN”) in this Court, asserting six causes of action for breach of contract, unjust enrichment, and seeking declaratory judgment.

2. On November 23, 2021, CMN filed its *Notice of Motion to Compel Arbitration and Dismiss or Stay this Proceeding or to Abstain from Exercising Jurisdiction, and in the Alternative, to Dismiss* [Dkt. No. 8].

3. No answer or motion for summary judgment has been filed by CMN in the Adversary. Accordingly, pursuant to Federal Rule of Bankruptcy Procedure 7041 and Federal Rule of Civil Procedure 41(a)(1)(A)(i), Windstream hereby gives notice to the Court and to all parties that it is voluntarily dismissing without prejudice all causes of action and claims for relief asserted in the Adversary.

[Remainder of page intentionally left blank]

Dated: February 9, 2022
Dallas, Texas

NORTON ROSE FULBRIGHT US LLP

/s/ Kristian W. Gluck

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 9th day of February, 2022, he caused a true and correct copy of this document to be served via the Court's ECF system on those persons entitled to notice thereby.

/s/ Kristian W. Gluck