

Hearing Date & Time: January 19, 2023 at 11:00 A.M. (prevailing Eastern Time)
Objection Deadline: January 6, 2023 at 4:00 P.M. (prevailing Eastern Time)

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Counsel for Debtors and Reorganized Debtors

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

-----x Chapter 11
:
In re: : Case No. 20-11133 (MG)
:
AVIANCA HOLDINGS S.A. *et al.*,¹ : (Jointly Administered)
:
Debtors and Reorganized Debtors :
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**OBJECTION OF AVIANCA HOLDINGS S.A. TO
CERTAIN CLAIMS FILED BY TRAVEL AGENCIES**

Reorganized Debtor Avianca Holdings S.A. ("Avianca") hereby objects (the "Objection"),
pursuant to sections 105 and 502(b) of title 11 of the U.S. Code (as amended, the "Bankruptcy"),

¹ The Debtors and Reorganized Debtors in these chapter 11 cases, and each Debtor's and Reorganized Debtor's federal tax identification number (to the extent applicable), are as follows: Avianca Holdings S.A. (N/A) n/k/a HVA Associated Corp.; Aero Transporte de Carga Unión, S.A. de C.V. (N/A); Aeroinversiones de Honduras, S.A. (N/A); Aerovías del Continente Americano S.A. Avianca (N/A); Airlease Holdings One Ltd. (N/A); America Central (Canada) Corp. (00-1071563); America Central Corp. (65-0444665); AV International Holdco S.A. (N/A); AV International Holdings S.A. (N/A); AV International Investments S.A. (N/A); AV International Ventures S.A. (N/A); AV Investments One Colombia S.A.S. (N/A); AV Investments Two Colombia S.A.S. (N/A); AV Loyalty Bermuda Ltd. (N/A); AV Taca International Holdco S.A. (N/A); Aviacorp Enterprises S.A. (N/A); Avianca Costa Rica S.A. (N/A); Avianca Leasing, LLC (47-2628716); Avianca, Inc. (13-1868573); Avianca-Ecuador S.A. (N/A); Aviaservicios, S.A. (N/A); Aviateca, S.A. (N/A); Avifreight Holding Mexico, S.A.P.I. de C.V. (N/A); C.R. Int'l Enterprises, Inc. (59-2240957); Grupo Taca Holdings Limited (N/A); International Trade Marks Agency Inc. (N/A); Inversiones del Caribe, S.A. (N/A); Isleña de Inversiones, S.A. de C.V. (N/A); Latin Airways Corp. (N/A); Latin Logistics, LLC (41-2187926); Nicaragüense de Aviación, Sociedad Anónima (N/A); Regional Express Américas S.A.S. (N/A); Ronair N.V. (N/A); Servicio Terrestre, Aéreo y Rampa S.A. (N/A); Servicios Aeroportuarios Integrados SAI S.A.S. (92-4006439); Taca de Honduras, S.A. de C.V. (N/A); Taca de México, S.A. (N/A); Taca International Airlines S.A. (N/A); Taca S.A. (N/A); Tampa Cargo S.A.S. (N/A); Technical and Training Services, S.A. de C.V. (N/A). The Debtors' and Reorganized Debtors' principal offices are located at Avenida Calle 26 # 59 – 15 Bogotá, Colombia.



Code”) and the *Order Pursuant to 11 U.S.C. § 105(a) and Fed. R. Bankr. P. 3007 (I) Establishing Claims Objection and Notice Procedures and (II) Granting Related Relief* [Docket No. 1179] (the “Claims Objection Procedures Order”). By this Objection, Avianca objects to and seeks to disallow the claims listed on **Schedule 1** to the proposed order attached to this Objection as **Exhibit A** (collectively, the “Claims,” and each, a “Claim”), filed by Servicios de Viajes y Turismo Biblos S.A., Visual Turismo Ltda., SV Viagens Ltda., Al mundo.com S.R.L., CVC Brasil Operadora e Agência de Viagens S.A., Ola Sociedad Anonima, Trend Viagens Operadora de Turismo S.A., and Esferatur Passagens e Truismo S.A. (collectively, the “Travel Agencies”).² In support of the Objection, Avianca respectfully states as follows:

Preliminary Statement

1. The Claims at issue are comprised of two components, each of which Avianca objects to. *First*, all of the Claims assert amounts arising from anticipated or already received customer refund requests (the “Ticket Refund Claims”). *Second*, four of the Claims—*see* Claims 2410, 2437, 4138, and 4142— include amounts arising from passenger-initiated litigation (the “Passenger Litigation”), either for judgments rendered against the Travel Agencies or judgments that may be rendered against the Travel Agencies in the future (“Passenger Litigation Claims”). The Passenger Litigation Claims assert, without support, that Avianca must reimburse the Travel Agencies for any judgments rendered against them and certain costs incurred in connection with the Passenger Litigation.

2. Avianca objects to the claimed amounts related to both the Ticket Refund Claims and the Passenger Litigation Claims on several bases. *First*, with respect to purportedly liquidated amounts asserted in the Ticket Refund Claims (for refunds purportedly already paid to customers)

² Although the Claims are asserted by different claimants, the Travel Agencies operate as one business. All Claims are executed by one of three signatories.

and the Passenger Litigation Claims (for judgments already rendered), the Travel Agencies have failed to provide sufficient documentation to support that the Travel Agencies have in fact incurred these liabilities. Because these purportedly liquidated Claims are asserted without sufficient support, they are not entitled to a presumption of validity and should be disallowed.

3. *Second*, both the Ticket Refund Claims and the Passenger Litigation Claims assert amounts arising from potential future refunds or potential future judgments. These are contingent reimbursement claims, and are expressly disallowed pursuant to Section 502(e)(1)(B) of the Bankruptcy Code.

4. *Third*, to the extent not disallowed, the contingent and unliquidated Ticket Refund Claims and Passenger Litigation Claims should be estimated at zero. The contingent Ticket Refund Claims are asserted in an amount representing *every* ticket purchased but not yet used, but the Travel Agencies have provided neither evidence that customers are likely to request refunds in the future, nor an estimated amount of any refund requests that they contend are likely to be made. Similarly, the Passenger Litigation Claims are entirely unsupported by any estimated amount of liabilities in fact likely to arise. Avianca's liability for these contingent, unliquidated Claims should therefore be estimated at zero.

5. *Finally*, to the extent not disallowed, Avianca objects to the claimed administrative status of any Ticket Refund Claims and Passenger Litigation Claims, because the Travel Agencies do not sufficiently allege that such Claims are entitled to administrative priority. If the obligations asserted in such Claims arise from prepetition events and relationships, they are properly classified as prepetition obligations. Accordingly, any such Claims, to the extent not disallowed, should be categorized as general unsecured claims.

Background

6. ***Ticket Refund Claims.*** As described in the Claims, the Travel Agencies purchase airline tickets from one or more Debtors for resale to customers, either on a stand-alone basis or as part of a travel package. Under this arrangement, the Travel Agencies keep an agreed upon percentage of the ticket price as commission and remit the remaining portion of the ticket price to the respective Debtor or Debtors who sold the ticket. In the event of a flight cancellation or other event triggering a refund to the passenger, the Travel Agencies contend they are required to pay the total amount of the refund to the passenger. The Travel Agencies then seek reimbursement by the Debtors for the sales price of the ticket, less the commission taken by the Travel Agencies.

7. ***Passenger Litigation Claims.*** The Passenger Litigation purportedly consists of “lawsuits commenced or to be commenced by passengers” against the Travel Agencies and the Debtors, related to flight cancellations or issues in connection with tickets sold. Although not clearly stated in the Claims, the Travel Agencies’ position appears to be that Avianca is jointly liable with the Travel Agencies for judgments rendered against the Travel Agencies.

8. While Avianca has attempted for months to collect information from the Travel Agencies necessary to reconcile and resolve the Claims, Avianca has not received sufficient documentation to enable it to evaluate the Claims. Accordingly, no resolution has been reached, necessitating the filing of this Objection.

The Travel Agencies’ Claims

9. The Ticket Refund Claims assert the following total amounts: \$2,543,784.35 as an administrative claim (\$172,519.01 of which is liquidated and \$2,371,265.34 is contingent and unliquidated), and \$5,150,107.92 as a general unsecured claim (all of which is contingent and unliquidated).

10. The Passenger Litigation Claims assert the following total amounts: \$11,917.60 as an administrative claim (all of which is liquidated), and \$129,084.16 as a general unsecured claim (\$41,291.42 of which is liquidated and \$87,792.74 of which is contingent and unliquidated).

11. All Claims are listed in **Schedule 1**.

Objection

12. For a proof of claim to be entitled to *prima facie* validity, it must allege facts sufficient to support a legal liability to the claimant. *See* Fed. R. Bankr. P. 3001(f); 11 U.S.C. § 502(a); *In re Lehman Brothers Holdings Inc.*, 602 B.R. 564, 576 (Bankr. S.D.N.Y. 2019) (citing *In re Allegheny Int'l Inc.*, 954 F.2d 167, 174 (3d Cir. 1992)). Claims may be disallowed for failure to support the claim with sufficient evidence because “absent adequate documentation, the proof of claim is not sufficient for the objector to concede the validity of the claim.” *In re Minbatiwalla*, 424 B.R. 104, 119 (Bankr. S.D.N.Y. 2010) (Glenn, J.); *see also In re Residential Capital, LLC*, No. 12-12020, 2013 WL 5524728, at *4 (Bankr. S.D.N.Y. Oct. 4, 2013) (Glenn, J.) (same); *In re Lindell Drop Forge Co.*, 111 B.R. 137, 140 (Bankr. W.D. Mich. 1990) (proof of claim not entitled to *prima facie* validity under Rule 3001(f) where it contained no information as to how amounts were calculated and did not attach relevant supporting documents). Pursuant to the Claims Objection Procedure Order, Avianca is permitted to object to claims on the basis that “the claim fails to sufficiently specify the basis for the claim or does not include sufficient documentation to ascertain the validity of the claim.” Claims Objection Procedures Order at ¶ 2(iv).

13. Further, a claimant must respond to reasonable requests from the debtor to provide support for its claim in order to preserve the *prima facie* presumption of the claim’s validity. “Failure of the creditor to respond to requests for documentation may strip the [p]resumption [of validity] from the proof of claim.” *In re Porter*, 374 B.R. 471, 181-82 (Bankr. D. Conn. 2007); *see also In re Heath*, 331 B.R. 424, 437 (9th Cir. B.A.P. 2005) (“If the creditor does not provide

information . . . then that in itself may raise an evidentiary basis to object to the unsupported aspects of the claim, or even a basis for evidentiary sanctions, thereby coming within Section 502(b)'s grounds to disallow the claim”).

14. To the extent a contingent claim seeks reimbursement, such claim is expressly disallowed under section 502(e)(1)(B) of the Bankruptcy Code. *See* 11 U.S.C. § 502(e)(1)(B) (providing for disallowance of a claim “for reimbursement or contribution [that] is contingent as of the time of allowance or disallowance of such claim for reimbursement or contribution”).

15. Moreover, for any contingent or unliquidated claims, Section 502(b) of the Bankruptcy Code grants the bankruptcy court the authority to estimate for purposes of allowance such claims that “would unduly delay the administration of the case.” 11 U.S.C. § 502(c)(1). When estimating claims, bankruptcy courts “may use whatever method is best suited to the contingencies of the case, so long as the procedure is consistent with the fundamental policy of Chapter 11 that a reorganization ‘must be accomplished quickly and efficiently.’” *In re Adelphia Commc’ns Corp.*, 368 B.R. 140, 278 (Bankr. S.D.N.Y. 2007) (citations omitted).

16. Finally, a claim that arises from a prepetition transaction cannot be entitled to administrative priority, even if the claimant’s right to payment matured postpetition. *See, e.g., Tr. of Amalgamated Ins. Fund v. McFarlin’s, Inc.*, 789 F.2d 98, 101 (2d Cir. 1986) (“[a] debt is not entitled to priority simply because the right to payment arises after the debtor in possession has begun managing the estate”); *In re Grubb & Ellis, Co.*, 478 B.R. 622, 625 (Bankr. S.D.N.Y. 2012) (Glenn, J.) (“to qualify for administrative priority, a debtor’s obligation to make a payment must have arisen out of a *postpetition* transaction between the creditor and the debtor”) (emphasis in original).

17. ***Ticket Refund Claims.*** The Ticket Refund Claims should be disallowed in their entirety. *First*, the liquidated amounts of the Ticket Refund Claims (\$172,519.01) should be disallowed because the Travel Agencies have not provided sufficient documentation to demonstrate that customers have in fact requested refunds in this amount and that the Travel Agencies have refunded those customers. Accordingly, the Travel Agencies are not entitled to a prima facie presumption of validity as to the liquidated amounts of the Ticket Refund Claims.

18. *Second*, the contingent, unliquidated amounts of the Ticket Refund Claims (\$7,521,373.26) should be disallowed pursuant to section 502(e)(1)(B) of the Bankruptcy Code because they are contingent claims seeking reimbursement, and such claims are expressly disallowed.

19. *Third*, to the extent not disallowed, these contingent, unliquidated Claims should be estimated at zero. While the Travel Agencies have filed Claims in amount representing for every ticket purchased and not yet used, there is no evidence or documentation indicating what amount of refunds the Travel Agencies in fact expect customers to request.

20. *Finally*, to the extent the Ticket Refund Claims are not disallowed, Avianca also objects to the claimed administrative status of certain Ticket Refund Claims (totaling \$2,543,784.35) asserted in Claims 4138, 4142, 4143, 4144, 4145, 4146, and 4147. The Claims do not sufficiently assert that the events giving rise to these Claims arose postpetition or that the Claims are otherwise entitled to administrative priority treatment. Avianca's relationship with the Travel Agencies began prepetition, and the fact that a right to payment for certain ticket refunds may have arisen postpetition does not convert any liability Avianca may have to the Travel Agencies for such refunds into an administrative priority claim. Thus, to the extent not disallowed, all Ticket Refund Claims should be classified as general unsecured claims.

21. *Passenger Litigation Claims.* The Passenger Litigation Claims should also be disallowed in their entirety, owing to the complete lack of support submitted for these Claims. *First*, the Travel Agencies offer no explanation as to why Avianca is liable to the Travel Agencies for judgements rendered against them or their costs in the Passenger Litigation. Because the Passenger Litigation Claims are asserted without any support, they are not entitled to a presumption of validity and should be disallowed.

22. *Second*, a significant portion of the Passenger Litigation Claims is contingent and unliquidated (\$87,792.74, plus additional amounts not given a numerical value in the Claims). Section 502(e)(1)(B) of the Bankruptcy Code requires that such contingent reimbursement claims be disallowed.

23. *Third*, in the event these Claims are not disallowed, given the complete lack of evidence of the likely actual amount of judgments or costs (let alone Avianca's liability for such judgments or costs), the contingent, unliquidated Passenger Litigation Claims should be estimated at zero.

24. *Finally*, to the extent the Passenger Litigation Claims are not disallowed, the Debtors also object to the administrative status of certain Passenger Litigation Claims (totaling \$11,917.60) in Claims 4142 and 4138. The Claims do not sufficiently assert that the events giving rise to these Claims arose postpetition or that the Claims are otherwise entitled to administrative priority treatment. Indeed, as the vast majority of the Passenger Litigation Claims are filed as prepetition claims (\$129,084.16 of \$141,001,76 total), the events giving rise to the Passenger Litigation Claims appear to have arisen prepetition. That a judgment may have been rendered against the Travel Agencies postpetition does not qualify this Claim for administrative priority

treatment. Thus, to the extent not disallowed, all Passenger Litigation Claims should be classified as general unsecured claims.

Separate Contested Matter

25. Each objection to the Claims constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. Avianca requests that the order entered with respect to this Objection be deemed a separate final order with respect to each Claim.

Responses to Objections

26. For any claimant who timely files and properly serves a response to this Objection (each, a “Response”) as set forth in the *Notice of Hearing on Objection of Avianca Holdings S.A. to Certain Claims Filed by Travel Agencies*, attached as **Exhibit B**, Avianca will schedule such Response to be heard at the omnibus hearing at which this Objection will be heard, which is scheduled for January 19, 2023 at 11:00 a.m. (prevailing Eastern Time).

27. To the extent no Response is timely filed with respect to a Claim, Avianca requests that the Court enter an order disallowing or reducing, as applicable, all such Claims.

Notice

28. Notice of the Objection has been provided to (i) the Travel Agencies to the addresses and email addresses listed on its Claim; (ii) the Office of the U.S. Trustee; and (iii) all other parties entitled to notice pursuant to Bankruptcy Rule 2002. Avianca submits that no other or further notice need be given.

Reservation of Rights

29. Avianca reserves the right to amend, modify, or supplement this Objection, and to file additional objections to the Claims on any other ground that bankruptcy or non-bankruptcy law permits. In the event that the Travel Agencies pursue the Claims in any forum other than this

Court, Avianca also expressly reserves the right to contest the Claims on the grounds set forth in this Objection or on any other ground.

WHEREFORE, Avianca respectfully requests that the Court (i) sustain the Objection, (ii) disallow the Claims listed on **Schedule 1** in their entirety or, as appropriate, estimate and allow the Claims in the amount of \$0, and (iii) grant such other and further relief as the Court may deem just and appropriate.

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Dated: New York, New York
December 2, 2022

/s/ Evan R. Fleck

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Counsel for Debtors and Reorganized Debtors

Exhibit A to Objection

Proposed Order

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

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	:
In re:	: Chapter 11
	:
AVIANCA HOLDINGS S.A., <i>et al.</i> , ¹	: Case No. 20-11133 (MG)
	:
Debtors and Reorganized Debtors.	: (Jointly Administered)
	:
-----X	

**ORDER GRANTING THE OBJECTION OF AVIANCA HOLDINGS S.A. TO
CERTAIN CLAIMS FILED BY TRAVEL AGENCIES**

Upon the *Objection of Avianca Holdings S.A. to Certain Claims Filed by Travel Agencies* (the “Objection”),² whereby Avianca has requested, in accordance with sections 105 and 502 of the Bankruptcy Code, Bankruptcy Rule 3007, and the *Order Pursuant to 11 U.S.C. § 105(a) and Fed. R. Bankr. P. 3007 (I) Establishing Claims Objection and Notice Procedures and (II) Granting Related Relief* [Docket No. 1179], entry of an order disallowing or reducing the claims identified on the Schedule hereto; and it appearing that the relief requested is in the best interests of the Reorganized Debtors’ estates, their creditors and other parties in interest; and the Court having jurisdiction to consider the Objection and the relief requested therein pursuant to 28 U.S.C. §§ 157

¹ The Debtors and Reorganized Debtors in these chapter 11 cases, and each Debtors’ and Reorganized Debtors’ federal tax identification number (to the extent applicable), are as follows: Avianca Holdings S.A. (N/A) n/k/a HVA Associated Corp.; Aero Transporte de Carga Unión, S.A. de C.V. (N/A); Aeroinversiones de Honduras, S.A. (N/A); Aerovías del Continente Americano S.A. Avianca (N/A); Airlease Holdings One Ltd. (N/A); America Central (Canada) Corp. (00-1071563); America Central Corp. (65-0444665); AV International Holdco S.A. (N/A); AV International Holdings S.A. (N/A); AV International Investments S.A. (N/A); AV International Ventures S.A. (N/A); AV Investments One Colombia S.A.S. (N/A); AV Investments Two Colombia S.A.S. (N/A); AV Loyalty Bermuda Ltd. (N/A); AV Taca International Holdco S.A. (N/A); Aviacorp Enterprises S.A. (N/A); Avianca Costa Rica S.A. (N/A); Avianca Leasing, LLC (47-2628716); Avianca, Inc. (13-1868573); Avianca-Ecuador S.A. (N/A); Aviaservicios, S.A. (N/A); Aviateca, S.A. (N/A); Avifreight Holding Mexico, S.A.P.I. de C.V. (N/A); C.R. Int’l Enterprises, Inc. (59-2240957); Grupo Taca Holdings Limited (N/A); International Trade Marks Agency Inc. (N/A); Inversiones del Caribe, S.A. (N/A); Isleña de Inversiones, S.A. de C.V. (N/A); Latin Airways Corp. (N/A); Latin Logistics, LLC (41-2187926); Nicaragüense de Aviación, Sociedad Anónima (N/A); Regional Express Américas S.A.S. (N/A); Ronair N.V. (N/A); Servicio Terrestre, Aéreo y Rampa S.A. (N/A); Servicios Aeroportuarios Integrados SAI S.A.S. (92-4006439); Taca de Honduras, S.A. de C.V. (N/A); Taca de México, S.A. (N/A); Taca International Airlines S.A. (N/A); Taca S.A. (N/A); Tampa Cargo S.A.S. (N/A); Technical and Training Services, S.A. de C.V. (N/A). The Debtors’ and Reorganized Debtors’ principal offices are located at Avenida Calle 26 # 59 – 15 Bogotá, Colombia.

² Capitalized terms not otherwise defined herein shall be given the meanings ascribed to them in the Objection.

and 1334; and consideration of the Objection and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and notice of the Objection having been adequate and appropriate under the circumstances; and after due deliberation and sufficient cause appearing therefor, **IT IS HEREBY ORDERED THAT:**

1. The Objection is granted as set forth herein.
2. The Claims identified in **Schedule 1** are disallowed or reduced to the extent set forth in **Schedule 1**.
3. The Debtors and their claims agent are authorized to take all actions necessary to effectuate the relief granted in this Order, including updating the Claims Register to reflect the relief granted herein.
4. Any response to the Objection not otherwise withdrawn, resolved, or adjourned is hereby overruled on its merits.
5. Except as provided in this Order, nothing in this Order shall be deemed (a) an admission or finding as to the validity of any claim against a Debtor, (b) a waiver of the right of Avianca to dispute any claim against any Debtor on any grounds whatsoever, at a later date, (c) a promise by or requirement on any Debtor to pay any claim, or (d) a waiver of the rights of Avianca under the Bankruptcy Code or any other applicable law.
6. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: _____, 2022
New York, New York

THE HONORABLE MARTIN GLENN
CHIEF UNITED STATES BANKRUPTCY JUDGE

Schedule 1 to Order

Claims

CLAIMS ¹						
Claimant's Name	Claim & Debtor Claim is Asserted Against	Claim Class Category	Asserted Claim Amount	Reclassified Amount	Modified Claim Amount	Reason for Modification
2435	Almundo.com S.R.L.	Administrative Priority General Unsecured	\$0.00 \$2,078,748.01	\$0.00 \$2,078,748.01	\$0.00 \$0.00	Entire claim should be disallowed as contingent reimbursement claim or should be estimated at \$0.00; insufficient documentation to ascertain the validity of the claim.
4146	Almundo.com S.R.L.	Administrative Priority General Unsecured	\$151,201.95 \$0.00	\$0.00 \$151,201.95	\$0.00 \$0.00	Entire claim should be disallowed as contingent reimbursement claim or should be estimated at \$0.00; insufficient documentation to ascertain the validity of the claim.
2437	CVC Brasil Operadora e Agencia de Viagens S.A.	Administrative Priority General Unsecured	\$0.00 \$2,013,040.13	\$0.00 \$2,013,040.13	\$0.00 \$0.00	\$1,946,534.87 of asserted claim disallowed as contingent reimbursement claim or should be estimated at \$0.00. For entire claim, insufficient documentation to ascertain the validity of the claim.
4142	CVC Brasil Operadora e Agencia de Viagens S.A.	Administrative Priority General Unsecured	\$772,776.43 \$0.00	\$0.00 \$772,776.43	\$0.00 \$0.00	\$663,197.87 of asserted claim disallowed as contingent reimbursement claim or should be estimated at \$0.00. For entire claim, insufficient documentation to ascertain the validity of the claim.

¹ See Objection ¶¶ 17-24.

CLAIMS ¹						
Claimant's Name	Claim & Debtor Claim is Asserted Against	Claim Class Category	Asserted Claim Amount	Reclassified Amount	Modified Claim Amount	Reason for Modification
2588	Esferatur Passagens e Turismo S.A.	Administrative Priority General Unsecured	\$0.00 \$15,858.09	\$0.00 \$15,858.09	\$0.00 \$0.00	Entire claim should be disallowed as contingent reimbursement claim or should be estimated at \$0.00; insufficient documentation to ascertain the validity of the claim.
4144	Esferatur Passagens e Turismo S.A.	Administrative Priority General Unsecured	\$294,471.13 \$0.00	\$0.00 \$294,471.13	\$0.00 \$0.00	\$253,866.88 of asserted claim disallowed as contingent reimbursement claim or should be estimated at \$0.00. For entire claim, insufficient documentation to ascertain the validity of the claim.
2441	Ola Sociedad Anonima	Administrative Priority General Unsecured	\$0.00 \$855,778.57	\$0.00 \$855,778.57	\$0.00 \$0.00	Entire claim should be disallowed as contingent reimbursement claim or should be estimated at \$0.00; insufficient documentation to ascertain the validity of the claim.
4145	Ola Sociedad Anonima	Administrative Priority General Unsecured	\$919,178.19 \$0.00	\$0.00 \$919,178.19	\$0.00 \$0.00	Entire claim should be disallowed as contingent reimbursement claim or should be estimated at \$0.00; insufficient documentation to ascertain the validity of the claim.
2404	Servicios de Viajes y Turismo Biblos S.A.	Administrative Priority General Unsecured	\$0.00 \$103,422.30	\$0.00 \$103,422.30	\$0.00 \$0.00	Entire claim should be disallowed as contingent reimbursement claim or should be estimated at \$0.00; insufficient documentation to ascertain the validity of the claim.

CLAIMS ¹						
Claimant's Name	Claim & Debtor Claim is Asserted Against	Claim Class Category	Asserted Claim Amount	Reclassified Amount	Modified Claim Amount	Reason for Modification
4147	Servicios de Viajes y Turismo Biblos S.A.	Administrative Priority General Unsecured	\$328,999.17 \$0.00	\$0.00 \$328,999.17	\$0.00 \$0.00	Entire claim should be disallowed as contingent reimbursement claim or should be estimated at \$0.00; insufficient documentation to ascertain the validity of the claim.
2410	SV Viagens Ltda.	Administrative Priority General Unsecured	\$0.00 \$211,866.37	\$0.00 \$211,866.37	\$0.00 \$0.00	\$193,941.37 of asserted claim disallowed as contingent reimbursement claim or should be estimated at \$0.00. For entire claim, insufficient documentation to ascertain the validity of the claim.
4138	SV Viagens Ltda.	Administrative Priority General Unsecured	\$88,362.94 \$0.00	\$0.00 \$88,362.94	\$0.00 \$0.00	\$54,270.07 of asserted claim disallowed as contingent reimbursement claim or should be estimated at \$0.00. For entire claim, insufficient documentation to ascertain the validity of the claim.
4143	Trend Viagens Operadora de Turismo S.A.	Administrative Priority General Unsecured	\$712.14 \$0.00	\$0.00 \$712.14	\$0.00 \$0.00	\$551.21 of asserted claim disallowed as contingent reimbursement claim or should be estimated at \$0.00. For entire claim, insufficient documentation to ascertain the validity of the claim.
2407	Visual Turismo Ltda.	Administrative Priority General Unsecured	\$0.00 \$478.61	\$0.00 \$478.61	\$0.00 \$0.00	Entire claim should be disallowed as contingent reimbursement claim or should be estimated at \$0.00; insufficient documentation to ascertain the validity of the claim.

Exhibit B to Objection

Notice of Hearing

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*Counsel for Debtors and Reorganized
Debtors*

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

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In re:	: Chapter 11
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AVIANCA HOLDINGS S.A. <i>et al.</i> , ⁶	: Case No. 20-11133 (MG)
	:
Debtors and Reorganized Debtors.	: (Jointly Administered)
	:
-----X	

**NOTICE OF HEARING ON
OBJECTION OF AVIANCA HOLDINGS S.A. TO
CERTAIN CLAIMS FILED BY TRAVEL AGENCIES**

⁶ The Debtors and Reorganized Debtors in these chapter 11 cases, and each Debtors' and Reorganized Debtors' federal tax identification number (to the extent applicable), are as follows: Avianca Holdings S.A. (N/A) n/k/a HVA Associated Corp.; Aero Transporte de Carga Unión, S.A. de C.V. (N/A); Aeroinversiones de Honduras, S.A. (N/A); Aerovías del Continente Americano S.A. Avianca (N/A); Airlease Holdings One Ltd. (N/A); America Central (Canada) Corp. (00-1071563); America Central Corp. (65-0444665); AV International Holdco S.A. (N/A); AV International Holdings S.A. (N/A); AV International Investments S.A. (N/A); AV International Ventures S.A. (N/A); AV Investments One Colombia S.A.S. (N/A); AV Investments Two Colombia S.A.S. (N/A); AV Loyalty Bermuda Ltd. (N/A); AV Taca International Holdco S.A. (N/A); Aviacorp Enterprises S.A. (N/A); Avianca Costa Rica S.A. (N/A); Avianca Leasing, LLC (47-2628716); Avianca, Inc. (13-1868573); Avianca-Ecuador S.A. (N/A); Aviaservicios, S.A. (N/A); Aviateca, S.A. (N/A); Avifreight Holding Mexico, S.A.P.I. de C.V. (N/A); C.R. Int'l Enterprises, Inc. (59-2240957); Grupo Taca Holdings Limited (N/A); International Trade Marks Agency Inc. (N/A); Inversiones del Caribe, S.A. (N/A); Isleña de Inversiones, S.A. de C.V. (N/A); Latin Airways Corp. (N/A); Latin Logistics, LLC (41-2187926); Nicaragüense de Aviación, Sociedad Anónima (N/A); Regional Express Américas S.A.S. (N/A); Ronair N.V. (N/A); Servicio Terrestre, Aéreo y Rampa S.A. (N/A); Servicios Aeroportuarios Integrados SAI S.A.S. (92-4006439); Taca de Honduras, S.A. de C.V. (N/A); Taca de México, S.A. (N/A); Taca International Airlines S.A. (N/A); Taca S.A. (N/A); Tampa Cargo S.A.S. (N/A); Technical and Training Services, S.A. de C.V. (N/A). The Debtors' and Reorganized Debtors' principal offices are located at Avenida Calle 26 # 59 – 15 Bogotá, Colombia.

PLEASE TAKE NOTICE that, on December 2, 2022, Reorganized Debtor Avianca Holdings S.A. (“Avianca”) filed the *Objection of Avianca Holdings S.A. to Certain Claims Filed by Travel Agencies* (the “Objection”) with the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”).

THIS OBJECTION ADDRESSES ONE OR MORE OF THE CLAIM(S) YOU HAVE FILED IN AVIANCA’S CASE. Schedule 1 annexed to the Objection (attached hereto) identifies your claim and the category of claim objection applicable to you. The complete Objection can be viewed and/or obtained by: (i) accessing the Court’s website at www.nysb.uscourts.gov, or (ii) free of charge from the Reorganized Debtors’ notice and claims agent, KCC, at <http://www.kccllc.net/avianca> or by calling (866) 967-1780 (U.S./Canada) or +1 (310) 751-2680 (International). Note that a PACER password is needed to access documents on the Court’s website. The complete Objection is entitled *Objection of Avianca Holdings S.A. to Certain Claims Filed by Travel Agencies*.

The Objection requests that the Bankruptcy Court disallow or reduce one or more of your claims listed in the Schedule on the ground that the claim (i) is supported by insufficient documentation, or (vi) is the subject of a commercial agreement on an agreed claim amount. Any claim that the Bankruptcy Court disallows or reduces will be treated as if such claim had not been filed, or had been filed in the reduced amount.

If you DO oppose the disallowance or reduction of your claim(s) listed in the Schedule then you MUST file a written response to the Objection (the “Response”) ON OR BEFORE JANUARY 6, 2023 AT 4:00 P.M. EASTERN TIME (the “Response Deadline”) and serve such Response as set forth herein. If you DO NOT oppose the disallowance or reduction of your claim(s) listed in the Schedule then no further action is required by you.

The Response, if any, must include the following: (i) a caption identifying the name of the Bankruptcy Court, the names of the Reorganized Debtors, the case number and the title of the Objection to which the Response is directed; (ii) the name of the claimant and description of the basis for the claim; (iii) a short statement describing the reasons for which the claim should not be disallowed or reduced as set forth in the Objection; (iv) additional documentation or other evidence upon which you rely in opposing the Objection (if it was not included with the proof of claim previously filed with the Bankruptcy Court); (v) the address(es) to which the Reorganized Debtors must return any reply to your Response, if different from that presented in your proof of claim; (vi) the name, address, and telephone number of the person (which may be you or your legal representative) holding ultimate authority to resolve the claim on your behalf.

The Bankruptcy Court will consider a Response only if the Response is filed with the Court on or prior to the Response Deadline. All Responses must be served on (i) the Bankruptcy Court at Chambers of Honorable Judge Martin Glenn, One Bowling Green, New York, New York 10004-1408, (ii) counsel for the Reorganized Debtors at Milbank LLP, 55 Hudson Yards, New York, New York 10001 (Attn: Evan R. Fleck, Esq., Gregory A. Bray, Esq., and Benjamin Schak, Esq. (efleck@milbank.com, gbray@milbank.com, and bschak@milbank.com)), and (iii) the Reorganized Debtors, c/o Richard Galindo (richard.galindo@avianca.com).

A HEARING WILL BE HELD ON JANUARY 19, 2023 (the “Hearing”) to consider the Objection. **THE HEARING WILL BE HELD AT 11:00 A.M. (EASTERN TIME)** at the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, Room 523, New York, New York 10004 in front of the Honorable Martin Glenn. If you file a written Response to the Objection, you or your counsel must attend the Hearing (which attendance may be via Zoom for Government). In light of the COVID-19 pandemic, the Hearing may be conducted via Zoom for Government. Parties wishing to appear at the Hearing, whether in a “live” or “listen only” capacity, must make an electronic appearance through the “eCourtAppearances” tab on the Court’s website (<http://www.nysb.uscourts.gov/content/judge-martin-glenn>) no later than 4:00 p.m. (prevailing Eastern Time) the business day before the Hearing (the “Appearance Deadline”). Following the Appearance Deadline, the Court will circulate by email the Zoom link to the Hearing to those parties who have made an electronic appearance. Parties wishing to appear at the Hearing must submit an electronic appearance through the Court’s website by the Appearance Deadline and not by emailing or otherwise contacting the Court. The Court will not respond to late requests that are submitted on the day of the hearing. Additional information regarding the Court’s Zoom and hearing procedures can be found on the Court’s website. Avianca reserves the right to continue the Hearing on the Objection for your claim(s) at a later date.

If the Bankruptcy Court does NOT disallow or reduce your claim(s) listed in **Schedule 1** then Avianca may object on other grounds to the claim(s) (or to any other claims you may have filed) at a later date. You will receive a separate notice of any such objection.

Dated: December 2, 2022
New York, New York

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