

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.

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Wang**

PLAINTIFFS

(Appellants) - Avianca Holdings S.A., et al.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
 John G. McCarthy of Smith, Gambrell & Russell, LLP
 1301 Avenue of the Americas, 21st Floor, New York, New York 10019
 Tel: (212) 907-9700

DEFENDANTS

(Appellees) - Burnham Sterling Company LLC and Babcock & Brown Securities LLC

ATTORNEYS (IF KNOWN)
 Matthew Kremer of O'Melveny & Myers LLP
 7 Times Square, New York, New York 10036
 Tel: (212) 326-2000

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 (DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)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 - Appeal from a Bankruptcy Decision, dated January 26, 2023 and Bankruptcy Order, dated January 31, 2023.

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	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	<input checked="" type="checkbox"/> 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	[] SEIZURE OF PROPERTY	28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 365 PERSONAL INJURY PRODUCT LIABILITY	21 USC 881	[] 423 WITHDRAWAL	[] 400 STATE REAPPORTIONMENT
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 690 OTHER	28 USC 157	[] 410 ANTI TRUST
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	PROPERTY RIGHTS	[] 820 COPYRIGHTS	[] 430 BANKS & BANKING
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 830 PATENT	[] 830 PATENT	[] 450 COMMERCE
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION	[] 840 TRADEMARK	[] 460 DEPORTATION
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 840 TRADEMARK	SOCIAL SECURITY	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 385 PRODUCT DAMAGE PRODUCT LIABILITY	LABOR	[] 861 HIA (1395ff)	[] 480 CONSUMER CREDIT
[] 190 OTHER CONTRACT	[] 362 PERSONAL INJURY - MED MALPRACTICE	PRISONER PETITIONS	[] 710 FAIR LABOR STANDARDS ACT	[] 862 BLACK LUNG (923)	[] 485 TELEPHONE CONSUMER PROTECTION ACT
[] 195 CONTRACT PRODUCT LIABILITY	ACTIONS UNDER STATUTES	[] 463 ALIEN DETAINEE	[] 720 LABOR/MGMT RELATIONS	[] 863 DIWC/DIWW (405(g))	[] 490 CABLE/SATELLITE TV
[] 196 FRANCHISE	CIVIL RIGHTS	[] 510 MOTIONS TO VACATE SENTENCE	[] 740 RAILWAY LABOR ACT	[] 864 SSID TITLE XVI	[] 450 COMMERCE
	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	28 USC 2255	[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 865 RSI (405(g))	[] 460 DEPORTATION
REAL PROPERTY	[] 441 VOTING	[] 530 HABEAS CORPUS	[] 790 OTHER LABOR LITIGATION	FEDERAL TAX SUITS	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 210 LAND CONDEMNATION	[] 442 EMPLOYMENT	[] 535 DEATH PENALTY	[] 791 EMPL RET INC SECURITY ACT (ERISA)	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 480 CONSUMER CREDIT
[] 220 FORECLOSURE	[] 443 HOUSING/ ACCOMMODATIONS	[] 540 MANDAMUS & OTHER	IMMIGRATION	[] 871 IRS-THIRD PARTY	[] 485 TELEPHONE CONSUMER PROTECTION ACT
[] 230 RENT LEASE & EJECTMENT	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	PRISONER CIVIL RIGHTS	[] 462 NATURALIZATION APPLICATION	26 USC 7609	[] 490 CABLE/SATELLITE TV
[] 240 TORTS TO LAND	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 550 CIVIL RIGHTS	[] 465 OTHER IMMIGRATION ACTIONS		[] 450 COMMERCE
[] 245 TORT PRODUCT LIABILITY	[] 448 EDUCATION	[] 555 PRISON CONDITION			[] 460 DEPORTATION
[] 290 ALL OTHER REAL PROPERTY		[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT			[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)

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 _____ DOCKET NUMBER _____

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 JH-32).



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(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- 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 (U.S. NOT A PARTY), 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business incorporation status.

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

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

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 [X] MANHATTAN

DATE 2/9/2023

Signature of John G. McCurdy, Esq. SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT [] NO [X] YES (DATE ADMITTED Mo. Feb Yr. 1992) Attorney Bar Code # JM-2635

RECEIPT #

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)