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Counsel for Reorganized Debtors

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

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

**CERTIFICATE OF NO OBJECTION:
MOTION FOR FINAL DECREE
CLOSING CHAPTER 11 CASE**

Pursuant to Rule 9075-2 of the Local Bankruptcy Rules for the Southern District of New York, the undersigned counsel for the above-captioned debtors and reorganized debtors (the “Debtors”) hereby certify as follows:

1. On May 17, 2024, the Debtors filed the *Notice of Presentment of Motion for Final Decree Closing Chapter 11 Case* [Docket No. 2766] (the “Motion”).

2. The deadline to file objections or responses to the Motion was May 24, 2024 (the “Objection Deadline”).

¹ A complete list of each of the Debtors and Reorganized Debtors in these chapter 11 cases may be obtained on the website of the claims and noticing agent at <http://www.kccllc.net/avianca>. The Debtors’ and Reorganized Debtors’ principal offices are located at Avenida Calle 26 # 59 – 15 Bogotá, Colombia.



3. The Motion was served on May 17, 2024. *See Certificate of Service* [Docket No. 2767].

4. Local Rule 9075-2 provides that the motion may be granted without a hearing if no objections or other responsive pleadings have been filed on or before the applicable objection deadline.

5. As of the filing of this certificate, more than 48 hours have elapsed since the Objection Deadline, and, to the best of my knowledge, no responsive pleading to the Motion has been filed with the Court or served on the Debtors or their counsel.

6. Accordingly, the Debtors respectfully request entry of the proposed order granting the Motion, attached hereto as **Exhibit A**. As shown in the blackline attached as **Exhibit B**, this proposed order incorporates certain modifications requested through informal comments from certain parties.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: New York, New York
May 28, 2024

/s/ Evan R. Fleck
Dennis F. Dunne
Evan R. Fleck
Benjamin Schak
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New York, New York 10001
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Counsel for Reorganized Debtors

Exhibit A to CNO

Proposed Order

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

-----X
: In re: : Chapter 11
: :
: AVIANCA HOLDINGS S.A., *et al.*,¹ : Case No. 20-11133 (MG)
: :
: Debtors and Reorganized Debtors. : (Confirmed)
: :
-----X

**ORDER OF FINAL DECREE
CLOSING CHAPTER 11 CASE**

Upon the Motion² of the Reorganized Debtors, pursuant to section 350(a) of the Bankruptcy Code and Bankruptcy Rule 3022, for entry of a final decree (this “Final Decree”) closing the Lead Case, as more fully set forth in the Motion; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the Southern District of New York*, dated January 31, 2012; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having reviewed the Motion and determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and this Court having found that the relief requested in the Motion is in the best interests of the Reorganized Debtors, their estates and creditors, and other parties in

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² Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

interest; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted to the extent set forth herein.
2. The following case is hereby closed, effective immediately: *Avianca Holdings, S.A.*, Case No. 20-11133.
3. The Reorganized Debtors shall pay the U.S. Trustee any quarterly fees due pursuant to 28 U.S.C. § 1930, together with any applicable interest due pursuant to 31 U.S.C. § 3717, within 25 days of the entry of this Order of Final Decree. Within 20 days after the entry of the Order, the Debtors shall provide to the U.S. Trustee an affidavit indicating cash disbursements through the first quarter of 2024 and for any additional period concluding on or before the date that the Final Decree is entered by the Bankruptcy Court.
4. Kurtzman Carson Consultants (“KCC”) shall (a) prepare final claim registers for the clerk’s office, pursuant to the guidelines for implementing 28 U.S.C. § 156(c), and (b) box and transport all claims to the Federal Archives at the direction of the office of the Clerk of Court. These services shall be a charge to the Reorganized Debtors. The services of KCC as the official claims and noticing agent for the Debtors, pursuant to 28 U.S.C. § 156(c) and prior order of this Court, are hereby terminated and released, effective 30 days from entry of this Order.
5. Following entry of this Order, the Reorganized Debtors shall file a consolidated closing report with respect to all of the Debtors, pursuant to Local Rule 3022-1.
6. Entry of this Final Decree is without prejudice to the rights of the Reorganized Debtors or any party in interest to seek to reopen the Lead Case for cause pursuant to section 350(b) of the Bankruptcy Code.

7. Entry of this Final Decree shall have no effect on the pending appeal before the United States Court of Appeal for the Second Circuit in Case No. 24-0255, and any subsequent proceedings, related to the administrative claims of Burnham Sterling and Company LLC and Babcock & Brown Securities LLC (“Babcock & Burnham Claims”), which is the subject of this *Court’s Order Granting in Part Burnham Sterling and Company LLC and Babcock & Brown Securities LLC’s Motion to Compel Compliance with 11 U.S.C. § 365(d)(5) and 503(b) and Overruling in Part Reorganized Debtors’ Twenty-Fourth and Twenty-Fifth Omnibus Objections to Proofs of Claim* [Docket No. 2714]. This Court retains jurisdiction, and the Lead Case may be reopened, if necessary, to administer the allowance or payment of the Babcock & Burnham Claims. For the avoidance of doubt, to the extent the Second Circuit enters a final order compelling the payment of the Babcock & Burnham Claims, the Debtors can pay such claims without any further order of the Court.

8. The Reorganized Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Final Decree.

9. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation or interpretation of this Final Decree. Furthermore, the Court shall retain jurisdiction over any matter in these chapter 11 cases, including with respect to all matters described in Article XII of the Plan.

Dated: _____, 2024
New York, New York

THE HONORABLE MARTIN GLENN
CHIEF UNITED STATES BANKRUPTCY JUDGE

Exhibit B to CNO

Blackline of Proposed Order

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

-----X
: In re: : Chapter 11
: :
: AVIANCA HOLDINGS S.A., *et al.*,¹ : Case No. 20-11133 (MG)
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² Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

creditors, and other parties in interest; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted to the extent set forth herein.
2. The following case is hereby closed, effective immediately: *Avianca Holdings, S.A.*, Case No. 20-11133.
3. The Reorganized Debtors shall pay the U.S. Trustee any quarterly fees due pursuant to 28 U.S.C. § 1930, together with any applicable interest due pursuant to 31 U.S.C. § 3717, within 25 days of the entry of this Order of Final Decree. Within 20 days after the entry of the Order, the Debtors shall provide to the U.S. Trustee an affidavit indicating cash disbursements through the first quarter of 2024 and for any additional period concluding on or before the date that the Final Decree is entered by the Bankruptcy Court.
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7. Entry of this Final Decree shall have no effect on the pending appeal before the United States Court of Appeal for the Second Circuit in Case No. 24-0255, and any subsequent proceedings, related to the administrative claims of Burnham Sterling and Company LLC and Babcock & Brown Securities LLC (“Babcock & Burnham Claims”), which is the subject of this Court’s Order Granting in Part Burnham Sterling and Company LLC and Babcock & Brown Securities LLC’s Motion to Compel Compliance with 11 U.S.C. § 365(d)(5) and 503(b) and Overruling in Part Reorganized Debtors’ Twenty-Fourth and Twenty-Fifth Omnibus Objections to Proofs of Claim [Docket No. 2714]. This Court retains jurisdiction, and the Lead Case may be reopened, if necessary, to administer the allowance or payment of the Babcock & Burnham Claims. For the avoidance of doubt, to the extent the Second Circuit enters a final order compelling the payment of the Babcock & Burnham Claims, the Debtors can pay such claims without any further order of the Court.

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Dated: _____, 2024
New York, New York

THE HONORABLE MARTIN GLENN
CHIEF UNITED STATES BANKRUPTCY JUDGE

