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*Counsel for Reorganized Debtors*

**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> , <sup>1</sup>	: Case No. 20-11133 (MG)
	: :
Debtors and Reorganized Debtors.	: (Confirmed)
	: :
-----X	

**NOTICE OF PRESENTMENT  
OF MOTION FOR ENTRY OF ORDER AUTHORIZING  
CLERK’S OFFICE TO DISPOSE OF ANY HARD COPIES OR  
ELECTRONIC STORAGE DEVICES WITH DOCUMENTS FILED UNDER SEAL**

**PLEASE TAKE NOTICE** that upon the annexed motion of the above-referenced Reorganized Debtors, the undersigned will present the attached proposed order to the Honorable Martin Glenn, Chief U.S. Bankruptcy Judge, for signature on or after June 5, 2024, at 12:00 noon (EDT).

**PLEASE TAKE FURTHER NOTICE** that objections, if any, to the proposed order must be made in writing and received in the Bankruptcy Judge’s chambers and by the undersigned not later than 11:30 a.m. (EDT) on June 5, 2024. The ECF docket number to which the filing relates

<sup>1</sup> 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.



shall be included in the upper right-hand corner of the caption of all objections. Unless objections are received by that time, the order may be signed without further notice or hearing. If an objection is filed, you may be notified of a hearing to consider the requested relief.

**PLEASE TAKE FURTHER NOTICE** that copies of the motion and proposed order and other pleadings for subsequent hearings may be obtained free of charge by visiting the KCC website at <http://www.kccllc.net/avianca>. You may also obtain copies of any pleadings by visiting at <http://www.nysb.uscourts.gov> in accordance with the procedures and fees set forth therein.

Dated: New York, New York  
May 29, 2024

/s/ Evan R. Fleck  
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To: U.S. Trustee  
Master Service List

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

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

**MOTION FOR ENTRY OF ORDER AUTHORIZING  
CLERK'S OFFICE TO DISPOSE OF ANY HARD COPIES OR  
ELECTRONIC STORAGE DEVICES WITH DOCUMENTS FILED UNDER SEAL**

Avianca Holdings S.A. and its reorganized debtor affiliates in these proceedings (collectively, the "Reorganized Debtors"), hereby submit this motion (the "Motion") for entry of a final decree closing the remaining chapter 11 case captioned above. In support of this Motion, the Reorganized Debtors respectfully state as follows:

**Jurisdiction and Venue**

1. This Court has 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*

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*Southern District of New York*, dated January 31, 2012. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2), and the Court may enter a final order consistent with Article III of the United States Constitution.

2. Venue in this Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory bases for the relief requested herein are section 350(a) of title 11 of the United States Code (the “Bankruptcy Code”), Rule 3022 of Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 3022-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Rules”).

#### **Relief Requested**

4. By this Motion, the Reorganized Debtors respectfully request entry of an order, substantially in the form attached to this Motion as **Exhibit A**, authorizing and directing the Clerk’s Office to dispose of any hard copies or electronic storage devices with documents filed under seal.

#### **Background**

5. On May 10, 2020, and on September 21, 2020, the Reorganized Debtors’ predecessors in interest (the “Debtors”) filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code, initiating the above-captioned chapter 11 cases (the “Chapter 11 Cases”). The Chapter 11 Cases were jointly administered pursuant to Bankruptcy Rule 1015(b) and the *Amended Order (I) Directing Joint Administration of Chapter 11 Cases and (II) Granting Related Relief* [Docket No. 73] and the *Order Directing Certain Orders in Chapter 11 Cases of Avianca Holdings S.A., et al. Be Made Applicable to Subsequent Debtors* [Docket No. 1030].

6. On November 2, 2021, the Court entered the *Order (I) Confirming Further Modified Joint Chapter 11 Plan of Avianca Holdings S.A. and Its Affiliated Debtors and*

(II) *Granting Related Relief* [Docket No. 2300] (the “Confirmation Order”), which confirmed the *Further Modified Joint Chapter 11 Plan of Avianca Holdings S.A. and Its Affiliated Debtors and* (II) *Granting Related Relief* [Docket No. 2259] (the “Plan”). Pursuant to the Plan, all of the Debtors’ estates were substantively consolidated, except for those of Avifreight Holding Mexico, S.A.P.I. de C.V. (“Avifreight”), Aero Transporte de Carga Unión, S.A. de C.V. (“Aerounión”), and Servicios Aeroportuarios Integrados SAI S.A.S. (“SAI”).

7. The Chapter 11 Cases were closed by orders of the Court on September 12, 2022 (Docket No. 2622), September 16, 2022 (Docket No. 2626), February 28, 2023 (Docket No. 2728), and May 28, 2024 (Docket No. 2769).

8. Throughout the Chapter 11 Cases and associated adversary proceedings (*Avianca Holdings S.A. v. USAVflow Ltd.*, Adv. Pro. No. 20-01189; *Avianca Holdings S.A. v. G4S Facility Mgmt. Cia. Ltda.*, Adv. Pro. No. 20-01194; and *Avianca Holdings S.A. v. USAVflow Ltd.*, Adv. Pro. No. 20-01244), the above-captioned debtors and other parties in interest filed certain documents under seal.

### **Basis for Relief**

9. All matters in the Chapter 11 Cases and related adversary proceedings have been resolved, except as noted in the Reorganized Debtors’ *Motion for Final Decree Closing Chapter 11 Case* [Docket No. 2766], and the Reorganized Debtors do not believe that the Clerk’s Office is in possession of any sealed material that pertains to outstanding appeals.

10. Accordingly, pursuant to sections 105(a) and 107(b) of the Bankruptcy Code, the Reorganized Debtors request that the Court enter an order, substantially in the form attached as **Exhibit A**, authorizing and directing the Clerk’s Office to dispose of any hard copies or electronic storage devices with documents filed under seal.

**Notice**

11. Notice of this Motion will be provided in accordance with the procedures set forth in the *Order Implementing Certain Notice and Case Management Procedures* [Docket No. 47] and the *Further Modified Joint Chapter 11 Plan of Avianca Holdings S.A. and Its Affiliated Debtors* [Docket No. 2300 Ex. A]. The Reorganized Debtors respectfully submit that no further notice is required.

**No Prior Request**

12. No prior motion for the relief requested herein has been made to this or any other court.

Dated: New York, New York  
May 29, 2024

/s/ Evan R. Fleck  
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**Exhibit A to Motion**

**Proposed Order**

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

-----X  
: In re: : Chapter 11  
: :  
: AVIANCA HOLDINGS S.A., *et al.*,<sup>1</sup> : Case No. 20-11133 (MG)  
: :  
: Debtors and Reorganized Debtors. : (Closed)  
: :  
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**ORDER AUTHORIZING CLERK’S OFFICE  
TO DISPOSE OF ANY HARD COPIES OR ELECTRONIC  
STORAGE DEVICES WITH DOCUMENTS FILED UNDER SEAL**

Upon the Motion<sup>2</sup> of the Debtors for entry of an order authorizing the Clerk’s Office to dispose of documents filed under seal; 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 after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted to the extent set forth herein.

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



2. The Clerk's Office is authorized and directed to destroy any documents that were filed under seal in the above-captioned Chapter 11 Cases, including any associated adversary proceedings (Adv. Pro. Nos. 20-01189, 20-01194, and 20-01244).

3. This Order shall be immediately effective and enforceable upon its entry.

4. The Court retains jurisdiction with respect to all matters arising from or related to implementation of this Order.

Dated: \_\_\_\_\_, 2024

New York, New York

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THE HONORABLE MARTIN GLENN  
CHIEF UNITED STATES BANKRUPTCY JUDGE