

The Following Motion Order was Entered and Filed on 11/20/19

Present - Hon. Dianne T. Renwick, Justice Presiding,
Judith J. Gische
Angela M. Mazzarelli
Peter H. Moulton, Justices.

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Kingsland Holdings Limited, in its
capacity as Independent Third-Party,
Plaintiff-Respondent,

-against-

BRW Aviation LLC and BRW Aviation
Holding LLC,
Defendants-Appellants.

BRW Aviation Holding LLC,
Third-Party Plaintiff,

M-8020
Index No. 653095/19

-against-

Kingsland Holdings Limited,
Counterclaim Defendant,

-and-

United Airlines, Inc.,
Additional Defendant on the
Counterclaims.

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Appeals having been taken to this Court from the orders
of the Supreme Court, New York County, entered on or about
August 22, 2019 and October 8, 2019,

And defendants-appellants having moved for an order: 1)
temporarily restraining and enjoining plaintiff/counterclaim
defendant Kingsland Holdings Limited (Kingsland) and additional
defendant on the counterclaims United Airlines (United), or
anyone acting on their behalf, from entering into any loan,
contract, agreement, financing arrangement or other instrument
with nonparty Avianca Holdings, S.A. (Avianca) that includes any
term or provision permitting any indebtedness of Avianca to be

converted into shares of common, preferred, or other stock of Avianca, at any time during the pendency of the appeals; 2) temporarily restraining and enjoining Kingsland and United, or anyone acting on their behalf, from exercising any contractual or other rights to convert any indebtedness of Avianca into shares of common, preferred, or other stock of Avianca, or from otherwise taking any steps in respect of the issuance or ownership of any common, preferred or other stock of Avianca that would have the effect of diluting the stockholdings of BRW Aviation LLC in Avianca, at any time during the pendency of the appeals; or in the alternative, 3) modifying the order entered on or about October 7, 2019, to the extent of requiring Kingsland to post an additional undertaking in the amount of \$44 million,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTERED: November 20, 2019



DEPUTY CLERK