

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

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In re:

SPEEDCAST INTERNATIONAL, LIMITED, *et al.*,

Debtors.<sup>1</sup>

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)  
) Chapter 11  
)  
) Case No. 20-32243 (MI)  
)  
)  
) (Jointly Administered)  
)  
)

**NOTICE OF EXAMINATION OF GENESIS PARK LLC AND PETER SHAPER  
PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004**

PLEASE TAKE NOTICE THAT, Black Diamond Capital Management, L.L.C. ("Black Diamond"), by and through its undersigned counsel, hereby requests that Genesis Park LLC and Peter Shaper produce documents in accordance with the definitions and instructions, and responsive to the requests, set forth in Schedule A hereto, for inspection and copying at the offices of Skadden, Arps, Slate, Meagher & Flom LLP, 1000 Louisiana Street, Suite 6800, Houston, Texas 77002, on or before October 12, 2020, at 4:00 p.m. CT, or such date and time as otherwise may be mutually agreed upon by the parties.

This examination is pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure and Local Rule 2004-1. The scope of the examination shall be as described in Bankruptcy Rule 2004. Pursuant to Local Rule 2004-1, no order shall be necessary.

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<sup>1</sup> A complete list of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' claims and noticing agent at <http://www.kccllc.net/speedcast>. The Debtors' service address for the purposes of these chapter 11 cases is 4400 S. Sam Houston Parkway East, Houston, Texas 77048.



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Dated: Houston, Texas  
September 25, 2020

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

/s/ Wallis M. Hampton

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*Attorneys for Black Diamond Capital Management, L.L.C.*

## **SCHEDULE A**

### **DEFINITIONS**

1. Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the *Emergency Motion of Debtors for Entry of Interim and Final Orders*

*(I) Authorizing Debtors to (A) Refinance their Postpetition Financing Obligations and (B) Use Cash Collateral, (II) Amending the Interim and Final Orders, and (III) Granting Related Relief* [Docket No. 688] (the “Refinancing DIP Motion”).

2. The words “and” and “or” shall be both conjunctive and disjunctive and shall be construed broadly to bring within the scope of this request any and all information that otherwise might be outside the scope of these Requests.

3. “Centerbridge” shall mean Centerbridge Partners, LP and its affiliates, managed funds, representatives, agents, advisors, and attorneys, including but not limited to those affiliates named as Commitment Parties under the Revised ECA.

4. “Communication” shall have the broadest meaning allowable under the Federal Rules of Civil Procedure and Federal Rules of Bankruptcy Procedure and includes the transmission, sending, and/or receipt of information of any kind, or the attempt to elicit information of any kind, by and or through any means, including but not limited to speech, writing, language, electronic mail, instant messages, text messages, calendars, faxes, and all forms of electronic transmission. Requests for Communications also include a request for all documents concerning such Communications.

5. “Concerning” means “relating to.”

6. “Document” shall have the broadest meaning allowable under the Federal Rules of Civil Procedure and Federal Rules of Bankruptcy Procedure and includes items written by

hand, printed, recorded, generated, or reproduced by any mechanical or electronic process, including but not limited to electronically stored information (“ESI”).

7. “Firm” shall mean Genesis Park LLC and its affiliates, partners, principals, representatives, agents, advisors, and attorneys, including but not limited to founding partner Peter Shaper.

8. “Including” means including without limitation.

9. “Relating to” means concerning, constituting, describing, evidencing, consisting of, referring to, pertaining to, reflecting, or in any way logically or factually connected with the matter discussed, in whole or part, directly or indirectly.

10. “Revised ECA” shall mean the Amended and Restated Equity Commitment Agreement Among Speedcast International Limited and the Commitment Parties Hereto Dated as of September 17, 2020, including: (a) any amendments to or restatements of the Revised ECA; (b) all prior versions and drafts of the of the Revised ECA, including, but not limited to, the Equity Commitment Agreement Among Speedcast International Limited and the Commitment Parties Hereto Dated August 12, 2020, and (c) all schedules and exhibits to the Revised ECA.

11. “Speedcast” shall mean Speedcast International Limited and its debtor affiliates, officers, representatives, agents, advisors, and attorneys.

12. “You” and “Your” refers to the Firm and Peter Shaper.

13. The singular includes the plural, and vice versa.

### INSTRUCTIONS

1. Documents are to be produced in full and complete form, along with any attachments, drafts, and non-identical copies, including copies that differ due to handwritten notes or other notes or markings.
2. Production of electronic documents shall be Bates numbered TIFF images with extracted data.
3. Each Request herein extends to all documents in the possession, custody or control of the Firm or anyone acting on the Firm's behalf.
4. Requests for Firm communications shall include communications made by the Firm's partners, principals, and officers in their capacity as such, whether such communications were made using Firm issued email addresses or telephone numbers, or external accounts. For the avoidance of doubt, Requests for Firm communications includes any text messages and/or messages sent via any chat or instant messaging applications.
5. Requests for Peter Shaper's communications shall include communications made in his capacity as a partner of the Firm and in his personal capacity, whether such communications were made using Firm issued email addresses or telephone numbers, or external accounts. For the avoidance of doubt, Requests for Peter Shaper's communications include any text messages and/or messages sent via any chat or instant messaging applications.
6. If any document called for by these Requests is withheld in whole or in part because you claim that it is privileged, constitutes attorney work product, or is otherwise exempt from discovery, set forth the grounds for withholding such document, its present location custodian, and additional information sufficient to identify the document and your reasons for withholding, including, but not limited to: the type of document, its date, author(s), recipient(s),

general subject matter, the type of privilege asserted or reason for withholding, and the basis for asserting privilege.

7. If you object to any Request, please state with specificity all grounds for the objection so that the parties may meet and confer.

8. Unless otherwise specifically stated herein, the period covered by these Requests is from July 1, 2020, to present.

9. These Requests are continuing. Promptly supplement Your responses when and if you become aware of additional responsive materials.

10. In accordance with Local Rule 2004-1(g), Black Diamond is willing to meet and confer regarding the scope of these Requests, including, but not limited to, the number and identity of relevant custodians, the use of search terms, the applicable time period, and any other reasonable limitation that would otherwise reduce the burden to the Firm in responding to the Requests.

#### DOCUMENT REQUESTS

##### REQUEST NO. 1:

All documents and communications concerning the Revised ECA. For the avoidance of doubt, consistent with the definition set forth above, this request seeks all documents and communications concerning the Revised ECA, as well as all prior versions and drafts of the of the Revised ECA, including, but not limited to, the Equity Commitment Agreement Among Speedcast International Limited and the Commitment Parties Hereto Dated August 12, 2020.

##### REQUEST NO. 2:

All documents and communications exchanged between or among the Firm, Peter Shaper, Speedcast, and/or Centerbridge concerning any management co-investment rights or

management incentive plans in Speedcast, any successor to Speedcast, or any acquisition entity concerning Speedcast.

REQUEST NO. 3:

All term sheets, draft agreements, or other proposals exchanged between or among the Firm, Peter Shaper, Speedcast, and/or Centerbridge concerning the Revised ECA or any other restructuring proposal or alternative.

REQUEST NO. 4:

All documents relating to internal Firm communications or analyses regarding (a) management co-investment rights or management incentive plans in Speedcast, any successor to Speedcast, or any acquisition entity concerning Speedcast, (b) investments or potential investments in Speedcast, any successor to Speedcast, or any acquisition entity concerning Speedcast, or (c) the Revised ECA.

REQUEST NO. 5:

All documents and communications, including communications between or among the Firm, Peter Shaper, Speedcast, and/or Centerbridge concerning governance of Speedcast, any successor to Speedcast, or any acquisition entity concerning Speedcast.

REQUEST NO. 6:

All documents and communications concerning the actual or proposed resignation of any member from Speedcast's board of directors or Special Restructuring Committee, including, but not limited to, the resignation of Peter Shaper.

REQUEST NO. 7:

All documents and communications concerning Peter Shaper's potential future role, if any, at Speedcast, any successor to Speedcast, or any acquisition entity concerning Speedcast.

REQUEST NO. 8:

All text messages, chat history from any chat applications, and/or emails of the Firm's partners, principals, and officers, including, but not limited to, Founding Partner Peter Shaper, that are responsive to any of the foregoing Requests, regardless of whether such text messages, chat history, or emails are stored in Firm-issued or external devices and accounts.



**CERTIFICATE OF SERVICE**

I hereby certify that I caused the foregoing document to be served by (i) electronic transmission via the Court's ECF system to all parties registered to receive electronic notice in this case and (ii) overnight courier and email to Peter Shaper and Genesis Park LLC at the following:

Peter Shaper  
Genesis Park LLC  
2000 Edwards Street, Suite B  
Houston, Texas 77007  
Partnerships@Genesis-Park.com

/s/ Wallis M. Hampton

Wallis M. Hampton