


**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

**SPEEDCAST INTERNATIONAL
LIMITED, et. al.,**

Debtors.



CASE NO. 20-32243

Chapter 11

Jointly Administered

CATHERINE E. YOUNGMAN,
in her capacity as Class 3 Trustee for
the Speedcast SFA Lenders' Litigation
Trust,

Plaintiff,

V.

PETER SHAPER,

Defendant.

ADV. PRO. 22-03019

MOTION FOR ENTRY OF ORDER SEALING THE UNREDACTED COMPLAINT

IF YOU OBJECT TO THE RELIEF REQUESTED, YOU MUST RESPOND IN WRITING. UNLESS OTHERWISE DIRECTED BY THE COURT, YOU MUST FILE YOUR RESPONSE ELECTRONICALLY AT <https://ecf.txsb.uscourts.gov/> WITHIN TWENTY-ONE DAYS FROM THE DATE THIS MOTION WAS FILED. IF YOU DO NOT HAVE ELECTRONIC FILING PRIVILEGES, YOU MUST FILE A WRITTEN OBJECTION THAT IS ACTUALLY RECEIVED BY THE CLERK WITHIN TWENTY-ONE DAYS FROM THE DATE THIS MOTION WAS FILED. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.

By this Motion, pursuant to sections 105(a) and 107(b) of the Bankruptcy Code, Bankruptcy Rule 9018, and Rule 9037-1 of the Local Rules, Defendant Peter Shaper requests that he be authorized to file Exhibit 3 to his Notice of Removal, which is the Unredacted Original



Petition filed by Plaintiff Catherine Youngman as Class 3 Trustee for the Speedcast SFA Lenders' Litigation Trust in 61st Judicial District of Harris County, Texas (the "Unredacted Original Petition"), under seal.

1. The Class 3 Trustee filed a redacted version of the Original Petition in the 61st Judicial District of Harris County, Texas on January 7, 2022. Defendant Shaper, through his undersigned attorneys, voluntarily accepted service of that Original Petition on January 10, 2022.

2. On January 13, 2022, the Class 3 Trustee filed an unopposed Motion for Temporary and Permanent Sealing of an Unredacted Original Petition. *See* Exhibit 5 to the Notice of Removal. Judge Fredericka Phillips of the Harris County District Court granted that Motion for Temporary and Permanent Sealing on January 24, 2022. *Ex. 6 to Notice of Removal.*

3. On February 7, 2022, Defendant Shaper filed a timely Notice of Removal to remove the case from the Harris County District Court to the United States Bankruptcy Court for the Southern District of Texas, Houston Division.

4. As part of that Notice of Removal, Defendant Shaper has attached the Unredacted Original Petition, sealed by the Harris County District Court, as Exhibit 3. Defendant Shaper has additionally included a copy of the Redacted Original Petition as Exhibit 2. All parties to this adversarial proceeding have copies of the Unredacted Original Petition.

5. Section 105(a) of the Bankruptcy Code allows the Court to "issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." 11 U.S.C. § 105(a). Moreover, pursuant to section 107(b)(1) of the Bankruptcy Code, the Court may authorize Defendant Shaper to file the Unredacted Original Petition under seal by permitting the issuance of an order that protects entities from potential harm that may result from the disclosure of certain confidential information. *See* 11 U.S.C. § 107(b).

6. The Unredacted Original Petition redacts information claimed as Confidential by either the Class 3 Trustee or Parties to the Bankruptcy Proceeding, not Defendant Shaper. The Unredacted Original Petition may contain such information previously designated as Confidential or Highly Confidential pursuant to the Stipulated Protective Order entered by the Court in *In re Speedcast International Limited, et al.*, Case No. 20-32243 on January 16, 2020. It likewise may contain information designated as confidential pursuant to the Class 3 Trust Agreement or the Plan Settlement Agreement approved by the Court on January 22, 2021.

7. Because of this, out of an abundance of caution and without admitting to the confidentiality of any of the redacted information, Defendant Shaper files this Motion to protect the other Parties' alleged Confidential or Highly Confidential information. Given the circumstances, Defendant Shaper hereby requests that the Court permit the filing of Exhibit 3 to the Notice of Removal under seal to protect any allegedly confidential or sensitive information belonging to other Parties contained therein.

8. Notice of this Motion will be provided to the Class 3 Trustee.

9. WHEREFORE, Defendant Shaper respectfully request entry of the Proposed Order granting the relief requested herein and such other and further relief as the Court may deem just and appropriate.

Dated: February 7, 2022

Respectfully submitted,

By: /s/ Ayesha Najam

Ayesha Najam

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ATTORNEYS FOR PETER SHAPER

Certificate of Service

I hereby certify that copy of the foregoing has been served on all counsel of record on this date, in accordance with the Federal Rules of Civil Procedure.

/s/ Ayesha Najam

Ayesha Najam

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ADV. PRO. 22-03019

**ORDER AUTHORIZING DEFENDANT TO FILE
UNREDACTED COMPLAINT UNDER SEAL
[Related to Docket No. 1]**

Upon consideration of Defendant Peter Shaper’s Motion for Entry of Order Sealing the Unredacted Complaint (the “Motion”), upon due consideration of same; and upon all the proceedings had before the Court; and after due deliberation thereon and sufficient cause appearing therefore:

IT IS HEREBY ORDERED that:

1. Pursuant to section 107(b) of the Bankruptcy Code and Bankruptcy Rule 9018, Defendant Peter Shaper is authorized to file the Exhibit 3 to the Notice of Removal under seal;

2. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Order are immediately effective and enforceable upon its entry;

3. Defendant Shaper is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion;

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

DATED: _____, 2022

THE HONORABLE MARVIN ISGUR
UNITED STATES BANKRUPTCY JUDGE