

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

**IN RE:**

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

**Debtors.**



**CASE NO. 20-32243 (MI)**

## 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  
UNREDACTED MOTION TO DISMISS**

**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 an unredacted copy of Defendant Peter Shaper's 12(b)(6) Motion to Dismiss ("Unredacted Motion to Dismiss") under seal.

1. 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).

2. The Unredacted Motion to Dismiss cites to, and quotes from, an Original Petition that the Class 3 Trustee filed pursuant to a temporary sealing order in the 61st Judicial District of Harris County, Texas and which Defendant Shaper attached to his Notice of Removal on February 7, 2022. The Original Petition is the subject of Defendant Shaper's Motion for Entry of Order Sealing the Unredacted Complaint. ECF 2, 3.

3. Counsel for Defendant Shaper reached out to counsel for the Class 3 Trustee this morning for clarification regarding what information they are claiming as confidential or highly confidential. As of the filing of this Motion, Defendant Shaper has not received a response.

4. Therefore, out of an abundance of caution, Defendant Shaper has filed a Redacted Motion to Dismiss that redacts any information contained within the Unredacted Motion to Dismiss that was likewise redacted from the Unredacted Original Petition filed by the Class 3 Trustee. Though Defendant Shaper is not privy to the entire record of the underlying bankruptcy proceeding, such redacted information could include 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 September 16, 2020. ECF 703.

5. Because of this, and without admitting to the confidentiality of any of the redacted information, Defendant Shaper hereby requests that the Court permit the filing of the Unredacted Motion to Dismiss under seal to protect any allegedly confidential or sensitive information contained therein.

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

7. 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 14, 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

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

**IN RE:**

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

**Debtors.**

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**ADV. PRO. 22-03019**

**ORDER AUTHORIZING DEFENDANT TO FILE  
UNREDACTED MOTION TO DISMISS  
[Related to Docket No. 6]**

Upon consideration of Defendant Peter Shaper's Motion for Entry of Order Sealing the Unredacted Motion to Dismiss (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 unredacted version of Defendant Peter Shaper's Motion to Dismiss Pursuant to Rule 12(B)(6) 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

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THE HONORABLE MARVIN ISGUR  
UNITED STATES BANKRUPTCY JUDGE