

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

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<i>In re</i>	:	<b>Chapter 11</b>
	:	
TECT AEROSPACE GROUP HOLDINGS,	:	<b>Case No. 21-10670 (KBO)</b>
INC., <i>et al.</i> ,	:	
	:	<b>Jointly Administered</b>
<b>Debtors.</b> <sup>1</sup>	:	
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**DEBTORS' MOTION FOR ENTRY OF AN ORDER AUTHORIZING  
THE DEBTORS TO REDACT CONFIDENTIAL PERSONAL INFORMATION IN  
THEIR SCHEDULES AND STATEMENTS**

TECT Aerospace Group Holdings, Inc. and its debtor affiliates in the above-captioned chapter 11 cases, as debtors and debtors in possession (collectively, “TECT Aerospace” or the “Debtors”), respectfully represent as follows in support of this motion (the “Motion”):

**BACKGROUND**

1. On April 5, 2021 (the “Petition Date”), the Debtors commenced with this Court voluntary cases under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”). The Debtors are authorized to continue to operate their businesses and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee or examiner has been appointed in these chapter 11 cases. On April 20, 2021, the Office of the United States Trustee for the District of Delaware (the “U.S. Trustee”) appointed an official committee of unsecured creditors (the “Committee”). *See* D.I. 76.

2. The Debtors’ chapter 11 cases are being jointly administered for procedural purposes pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the

<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: TECT Aerospace Group Holdings, Inc. (9338); TECT Aerospace Kansas Holdings, LLC (4241); TECT Aerospace Holdings, LLC (9112); TECT Aerospace Wellington Inc. (4768); TECT Aerospace, LLC (8650); TECT Hypervelocity, Inc. (8103); and Sun Country Holdings, LLC (6079). The Debtors’ mailing address is 300 W. Douglas, Suite 100, Wichita, KS 67202.

“**Bankruptcy Rules**”) and Rule 1015-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”).

3. Additional information regarding the Debtors’ businesses, capital structures, and the circumstances leading to the commencement of these chapter 11 cases is set forth in the *Declaration of Shaun Martin in Support of Chapter 11 Petitions and First Day Pleadings* [D.I. 13] (the “**First Day Declaration**”), filed on April 6, 2021, and incorporated herein by reference.

4. On May 3, 2021, the Debtors filed their respective Schedules of Assets and Liabilities and Statements of Financial Affairs (collectively, as may be amended from time to time, the “**Schedules and Statements**”). *See* D.I. 92–104, 117. On or around May 11, 2021 and May 18, 2021, the Debtors filed amendments to some of the Schedules and Statements. *See* D.I. 165, 166, 170 and 178.

### **JURISDICTION**

5. The Court has jurisdiction to consider 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 District of Delaware, dated February 29, 2012. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Pursuant to Local Rule 9013-1(f), the Debtors consent to the entry of a final order by the Court in connection with this Motion to the extent it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution. Venue is proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409.

### **RELIEF REQUESTED**

6. By this Motion, the Debtors, pursuant to sections 105(a) and 107(c) of the

Bankruptcy Code, Bankruptcy Rule 9018, and Local Rule 9018-1(d), request entry of an order, substantially in the form attached hereto as **Exhibit A**, authorizing the Debtors to redact their employees' addresses (the "**Confidential Information**") on the Schedules and Statements.

### **BASIS FOR RELIEF REQUESTED**

7. Under sections 105(a) and 107 of the Bankruptcy Code, the Court may authorize the Debtors to file the Confidential Information under seal. Pursuant to section 105(a) of the Bankruptcy Code, bankruptcy courts have the inherent equitable power 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). Section 107 further provides bankruptcy courts the power to protect parties in interest from potentially harmful disclosures. In particular, section 107(b) provides that:

[o]n request of a party in interest, the bankruptcy court shall, and on the bankruptcy court's own motion, the bankruptcy court may—

(1) protect an entity with respect to a trade secret or confidential research, development, or commercial information; or

(2) protect a person with respect to scandalous or defamatory matter contained in a paper filed in a case under this title.

11 U.S.C. § 107(b).<sup>2</sup>

8. Once the court determines that a party in interest is seeking protection of information that falls within one of the categories enumerated in section 107(b) of the Bankruptcy Code, "the court is required to protect a requesting interested party and has no

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<sup>2</sup> Bankruptcy Rule 9018 sets forth the procedure by which a party in interest may obtain a protective order authorizing the filing of a document under seal. Bankruptcy Rule 9018 provides, in relevant part:

On any motion or its own initiative, with or without notice, the court may make any order which justice requires (1) to protect the estate or any entity in respect of a trade secret or other confidential research, development or commercial information . . . .

Fed. R. Bankr. P. 9018.

discretion to deny the application.” *Video Software Dealers Ass’n v. Orion Pictures Corp. (In re Orion Pictures Corp.)*, 21 F.3d 24, 27 (2d Cir. 1994). Section 107(c) empowers the Court to protect parties in interest from potentially harmful disclosures of personally identifiable information:

(c)(1) The bankruptcy court, for cause, may protect an individual, with respect to the following types of information to the extent the court finds that disclosure of such information would create undue risk of identity theft or unlawful injury to the individual or the individual’s property:

(A) Any means of identification (as defined in section 1028(d) of title 18) contained in a paper filed, or to be filed in a case under this title

(B) Other information contained in a paper described in subparagraph (A)

11 U.S.C. § 107(c)(1). Title 18 of the United States Code defines “means of identification” as:

any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including any—

(A) name, social security number, date of birth, official State or government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number . . .

18 U.S.C. § 1028(d)(7) (emphasis added).

9. Through the enactment of 11 U.S.C. § 107(c)(1), Congress has recognized the balancing of interests between disclosure and transparency in the bankruptcy process, and the need to protect the privacy and identity of certain individuals who have dealings with the Debtors. Through section 107(c)(1)(A), Congress permits the Debtors to shield “means of identification,” and through section 107(c)(1)(B), Congress permits the Debtors to shield “other information.” Together, these sections demonstrate Congress’ desire to protect a broad range of personally identifiable information, a category that clearly includes the Confidential Information.

10. Sufficient cause exists here for the Court to grant the relief requested herein. During preparation of the Schedules and Statements, the Debtors identified the Confidential Information that, absent specific relief to the contrary, the Debtors might be required to make publicly available on the Schedules and Statements. For this reason, the Debtors file this Motion seeking authorization to redact the Confidential Information. Specifically, in their Schedules and Statements, the Debtors listed “Address on File” in lieu of publicly filing the home addresses of their current and former employees. The Debtors will provide the Confidential Information to the Court, the U.S. Trustee, and the Committee upon request. The Debtors submit that disclosure of the Confidential Information warrants protection pursuant to section 107(c) of the Bankruptcy Code. Public disclosure of each individual home address for the Debtors’ current and former employees would create undue safety and welfare risks for those individuals, as well as open the door to other potential risks such as identity theft and privacy violations. This Court has granted similar relief, based on the same rationale, with respect to the publishing of individuals’ addresses in schedules, statements or creditor matrices in other chapter 11 cases. *See, e.g., In re GNC Holdings, Inc.*, Case No. 20-11662 (KBO) (Bankr. D. Del. June 25, 2020) (D.I. 117) (order authorizing Debtors to redact individuals’ email addresses and home addresses in creditor matrix); *In re 24 Hour Fitness Worldwide, Inc.*, Case No. 20-11558 (KBO) (Bankr. D. Del. June 16, 2020) (D.I. 119) (order authorizing Debtors to redact individuals’ home address information in creditor matrix, schedules and statements, or similar documents filed with the Court); *In re Akorn, Inc.*, Case No. 20-11177 (KBO) (Bankr. D. Del. May 22, 2020) (D.I. 74) (order authorizing Debtors to redact individuals’ addresses in schedules, statements, and other documents filed with the Court).

11. In light of the foregoing, the Debtors respectfully request that the Court permit the Debtors to redact the Schedules and Statements as described herein.

**NOTICE**

12. Notice of this Motion will be provided to (i) Office of the United States Trustee for the District of Delaware; (ii) counsel to the Committee; (iii) counsel to the DIP Agent; (iv) the Internal Revenue Service; (v) the United States Attorney's Office for the District of Delaware; (vi) the Securities and Exchange Commission; and (vii) any party entitled to notice under Bankruptcy Rule 2002 (collectively, the "**Notice Parties**"). The Debtors respectfully submit that no further notice is required. No previous request for the relief sought herein has been made by the Debtors to this or any other court.

WHEREFORE the Debtor respectfully requests 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: May 24, 2021  
Wilmington, Delaware

/s/ Christopher M. De Lillo

RICHARDS, LAYTON & FINGER, P.A.

Daniel J. DeFranceschi (No. 2732)

Paul N. Heath (No. 3704)

Amanda R. Steele (No. 5530)

Christopher M. De Lillo (No. 6355)

One Rodney Square

920 N. King Street

Wilmington, DE 19801

Telephone: (302) 651-7700

Facsimile: (302) 651-7701

E-mail: [defranceschi@rlf.com](mailto:defranceschi@rlf.com)

[heath@rlf.com](mailto:heath@rlf.com)

[steele@rlf.com](mailto:steele@rlf.com)

[delillo@rlf.com](mailto:delillo@rlf.com)

*Attorneys for the Debtors and Debtors in Possession*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

<p><i>In re</i></p> <p><b>TECT AEROSPACE GROUP HOLDINGS, INC., <i>et al.</i>,</b></p> <p style="text-align: center;"><b>Debtors.<sup>1</sup></b></p>	<p>X</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>X</p>	<p><b>Chapter 11</b></p> <p><b>Case No. 21-10670 (KBO)</b></p> <p><b>Jointly Administered</b></p> <p><b>Hearing Date: June 7, 2021 at 10:00 a.m. (ET)</b></p> <p><b>Obj. Deadline: June 1, 2021 at 4:00 p.m. (ET)</b></p>
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**NOTICE OF MOTION AND HEARING**

**PLEASE TAKE NOTICE** that, on May 24, 2021, TECT Aerospace Group Holdings, Inc. and its debtor affiliates in the above-captioned chapter 11 cases, as debtors and debtors in possession (collectively, the “**Debtors**”) filed the *Debtors’ Motion for Entry of an Order Authorizing the Debtors to Redact Confidential Personal Information in Their Schedules and Statements* (the “**Motion**”) with the United States Bankruptcy Court for the District of Delaware (the “**Court**”).

**PLEASE TAKE FURTHER NOTICE** that, objections or responses to the relief requested in the Motion, if any, must be made in writing and filed with the Clerk of the Court on or before **June 1, 2021 at 4:00 p.m. (prevailing Eastern Time)**.

**PLEASE TAKE FURTHER NOTICE** that, if any objections to the Motion are received, the Motion and such objections shall be considered at a hearing before The Honorable Karen B. Owens, United States Bankruptcy Judge for the District of Delaware, at the Court, 824

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<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: TECT Aerospace Group Holdings, Inc. (9338); TECT Aerospace Kansas Holdings, LLC (4241); TECT Aerospace Holdings, LLC (9112); TECT Aerospace Wellington Inc. (4768); TECT Aerospace, LLC (8650); TECT Hypervelocity, Inc. (8103); and Sun Country Holdings, LLC (6079). The Debtors’ mailing address is 300 W. Douglas, Suite 100, Wichita, KS 67202.



North Market Street, 6<sup>th</sup> Floor, Courtroom 3, Wilmington, Delaware 19801, on **June 7, 2021 at 10:00 a.m. (prevailing Eastern Time)**. The hearing may be conducted virtually, with instructions noted on the hearing agenda filed on the Court's docket.

**PLEASE TAKE FURTHER NOTICE THAT, IF NO OBJECTIONS TO THE MOTION ARE TIMELY FILED IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR HEARING.**

Dated: May 24, 2021  
Wilmington, Delaware

/s/ Christopher M. De Lillo  
RICHARDS, LAYTON & FINGER, P.A.  
Daniel J. DeFranceschi (No. 2732)  
Paul N. Heath (No. 3704)  
Amanda R. Steele (No. 5530)  
Christopher M. De Lillo (No. 6355)  
One Rodney Square  
920 N. King Street  
Wilmington, DE 19801  
Telephone: (302) 651-7700  
Facsimile: (302) 651-7701  
E-mail: defranceschi@rlf.com  
heath@rlf.com  
steele@rlf.com  
delillo@rlf.com

*Attorneys for the Debtors  
and Debtors in Possession*

**EXHIBIT A**

**Proposed Order**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

<b><i>In re</i></b>  <b>TECT AEROSPACE GROUP HOLDINGS, INC., <i>et al.</i>,</b>  <p style="text-align: center;"><b>Debtors.<sup>1</sup></b> </p>	X : : : : : : X	<b>Chapter 11</b>  <b>Case No. 21–10670 (KBO)</b>  <b>Jointly Administered</b>  <b>D.I. ____</b>
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**ORDER AUTHORIZING THE DEBTORS TO REDACT  
CONFIDENTIAL PERSONAL INFORMATION IN  
THEIR SCHEDULES AND STATEMENTS**

Upon the motion (the “**Motion**”)<sup>2</sup> of TECT Aerospace Group Holdings, Inc. and its debtor affiliates in the above-captioned chapter 11 cases, as debtors and debtors in possession (collectively, the “**Debtors**”), for entry of an order (this “**Order**”), pursuant to section 107 of the Bankruptcy Code, Bankruptcy Rule 9018, and Local Rule 9018-1, authorizing the Debtors to redact the Confidential Information in the Schedules and Statements, all as more fully set forth in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157(a)–(b) and 1334(b), and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and consideration of the Motion and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided to the Notice Parties under the circumstances, and it appearing that no other or further notice need be provided; and

<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: TECT Aerospace Group Holdings, Inc. (9338); TECT Aerospace Kansas Holdings, LLC (4241); TECT Aerospace Holdings, LLC (9112); TECT Aerospace Wellington Inc. (4768); TECT Aerospace, LLC (8650); TECT Hypervelocity, Inc. (8103); and Sun Country Holdings, LLC (6079). The Debtors’ mailing address is 300 W. Douglas, Suite 100, Wichita, KS 67202.

<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings given to those terms in the Motion.

this Court having held a hearing to consider the relief requested in the Motion, if necessary (the “**Hearing**”); and upon the First Day Declaration; and the Court having determined that the legal and factual bases set forth in the Motion, and at the Hearing, if any, establish just cause for the relief granted herein; and it appearing that the relief requested in the Motion is in the best interests of the Debtors, their estates, creditors, and all parties in interest; and upon all of the proceedings had before the Court 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.
2. The Debtors are authorized to redact those portions of the Schedules and Statements containing the Confidential Information. The Debtors shall provide, on a confidential basis, unredacted versions of the Schedules and Statements to the Court, the U.S. Trustee, and the Committee upon request.
3. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
4. The Debtors are authorized to take all action necessary to effectuate the relief granted in this Order.
5. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, and/or enforcement of this Order.