

1 Thomas J. Salerno (007492
Alisa C. Lacey (010571)
2 Christopher C. Simpson (05806)
Anthony P. Cali (028261)
3 **STINSON LEONARD STREET LLP**
4 1850 N. Central Avenue, Suite 2100
Phoenix, Arizona 85004-4584
5 Tel: (602) 279-1600
Fax: (602) 240-6925
6 thomas.salerno@stinson.com
7 alisa.lacey@stinson.com
8 christopher.simpson@stinson.com
anthony.cali@stinson.com

9 *Counsel for Ara Macao Holding, L.P.*

10 **IN THE UNITED STATES BANKRUPTCY COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12 In re

13
14 ARA MACAO HOLDINGS, L.P.,

15
16
17
18
19 Putative Debtor.

Chapter 11 (Involuntary)

Case No. 3:18-bk-03615-PS

**MOTION TO: (I) FILE UNDER SEAL
PUTATIVE DEBTOR'S OBJECTION TO
PETITIONING CREDITORS' MOTION FOR
IMMEDIATE APPOINTMENT OF A
CHAPTER 11 TRUSTEE AND (II) PLACE
UNDER SEAL PETITIONING CREDITORS'
MOTION FOR IMMEDIATE APPOINTMENT
OF A CHAPTER 11 TRUSTEE**

21 Ara Macao Holdings, L.P., (the "**Putative Debtor**"), through counsel, hereby files this *Motion*
22 *to (I) File Under Seal Putative Debtor's Objection To Petitioning Creditors' Motion for Immediate*
23 *Appointment of a Chapter 11 Trustee and (II) Place Under Seal Petitioning Creditors' Motion for*
24 *Immediate Appointment of a Chapter 11 Trustee.*

25 On April 6, 2018, KB Partners, Inc., Christopher De Sibert, Gary Nitsche, Daniel Dorgan,
26 Richard Umbach and Edgewater Resources, LLC (collectively, the "**Petitioning Creditors**") filed the

1 Involuntary Chapter 11 Petition against Ara Macao Holdings, L.P. (“**Ara Macao**”) [DE 1]. On April,
2 6, 2018, the Petitioning Creditors filed the *Petitioning Creditors' Motion for Immediate Appointment of*
3 *a Chapter 11 Trustee* (“**Motion**”) [DE 6].

4 The Petitioning Creditors’ Motion and the exhibits thereto contain a wide variety of
5 confidential information, including offering memoranda, business plans, financial projections, and
6 appraisals. To the extent that an order for relief were to be entered, having such materials in the public
7 domain would be highly prejudicial to the bankruptcy estate. Accordingly, the Motion and its exhibits
8 should be placed under seal pending further order of this Court. Furthermore, in responding to the
9 Motion, Ara Macao requests entry of an Order authorizing it to file under seal an objection
10 (“**Objection**”) to the Motion. Putative Debtor believes that the objection will contain confidential
11 information as it relates to business projections, appraisals, partnership agreements that contain
12 confidentiality provisions, and other confidential documents that ought to be protected pursuant to 11
13 U.S.C. § 107(b). *See Video Software Dealers Assoc. v. Orion Pictures Corp. (In re Orion Pictures*
14 *Corp.)*, 21 F.3d 24 (2d Cir. 1994) (party seeking sealing of information only required to show that the
15 information was “confidential” and “commercial”). The public disclosure of the information contained
16 in the Objection would put the Ara Macao’s operations at a material disadvantage.

17 WHEREFORE, the Putative Debtor requests entry of an Proposed Order, a form of which is
18 filed contemporaneously herewith, placing the Motion and its exhibits under seal and authorizing the
19 filing of the Objection under seal and establishing procedures for the dissemination and use of
20 information contained therein.

1 RESPECTFULLY SUBMITTED this 18th day of April, 2018.

3 **STINSON LEONARD STREET LLP**

4 By: /s/ Thomas J. Salerno

5 Thomas J. Salerno

6 Alisa C. Lacey

7 Christopher C. Simpson

8 Anthony P. Cali

9 1850 N. Central Avenue, Suite 2100

10 Phoenix, Arizona 85004-4584

11 *Counsel for Ara Macao Holding, L.P.*

12 Copy of the foregoing Emailed this 18th day of
13 April, 2018 to the parties listed below:

14 Scott B. Cohen

15 Patrick A. Clisham

16 Engelman Berger, P.C.

17 3636 North Central Avenue, Suite 700

18 Phoenix, Arizona 85012

19 Email: Sbc@Eblawyers.Com

20 Email: Pac@Eblawyers.Com

21 William J. Factor

22 Sara E. Lorber

23 Law Office of William J. Factor, Ltd.

24 105 W. Madison St., Suite 1500

25 Chicago, Illinois 60602

26 Email: Wfactor@Wfactorlaw.Com

27 Email: Slorber@Wfactorlaw.Com

28 Attorneys for Petitioning Creditors

KB Partners, Inc., Christopher De Sibert,

Gary Nitsche, Daniel Dorgan, Richard Umbach

and Edgewater Resources, LLC

Elizabeth C. Amorosi

United States Trustee's Office

230 N. First Ave., Ste. 204

Phoenix AZ 85003

Email: elizabeth.c.amorosi@usdoj.gov

1 Christopher Pattock
United States Trustee's Office
2 230 N. First Ave. Ste. 204
3 Phoenix AZ 85003
4 Email: Christopher.j.pattock@usdoj.gov

5 /s/ Lindsay B. Petrowski