

**ENTERED**

February 15, 2023

Nathan Ochsner, Clerk

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

	)	Chapter 11
In re:	)	
	)	Case No. 23-90088 (DRJ)
AVAYA INC., <i>et al.</i> , <sup>1</sup>	)	
	)	(Jointly Administered)
Debtors.	)	
	)	<b>Re: Docket No. <u>53</u></b>

**ORDER AUTHORIZING THE DEBTORS  
TO FILE THE FEE LETTERS UNDER SEAL**

Upon the motion (the “Sealing Motion”)<sup>2</sup> of the above-captioned debtors and debtors in possession (collectively, the “Debtors”) for entry of an order (this “Order”), (a) authorizing the Debtors to file the Fee Letters under seal, (b) directing that the Fee Letters shall remain under seal and confidential and not be made available to anyone, without the prior written consent both the Debtors and the Administrative Agent, except to (i) the Court, (ii) the U.S. Trustee, (iii) the counsel and financial advisors to any statutory committee that may be appointed in these cases (on a confidential and professional eyes only basis), and (iv) any other party as may be ordered by the Court or agreed to by the Debtors, in each case under appropriate confidentiality agreements reasonably satisfactory to the Debtors that preserve the confidentiality of the Fee Letters (and any information derived therefrom), and (c) granting related relief; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and that this Court may enter a final

<sup>1</sup> A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors’ proposed claims and noticing agent at <http://www.kccllc.net/avaya>. The location of Debtor Avaya Inc.’s principal place of business and the Debtors’ service address in these chapter 11 cases is 350 Mount Kemble Avenue, Morristown, New Jersey 07960.

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



order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Sealing Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Sealing Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Debtors' notice of the Sealing Motion and opportunity for a hearing on the Sealing Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Sealing Motion and having heard the statements in support of the relief requested therein; and this Court having determined that the legal and factual bases set forth in support of the Sealing Motion establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Debtors are authorized to file under seal the Fee Letters. Each of the Fee Letters shall remain confidential, and shall not be made available to anyone, other than as provided in paragraph 2 of this Order, without the prior written consent of the Debtors and each of the Administrative Agent and the Commitment Parties party thereto or further order of the Court.

2. The Debtors are authorized to cause each of the Fee Letters to be served on and made available, on a confidential basis, to: (i) the Court; (ii) the U.S. Trustee; (iii) counsel and financial advisors to any statutory committee that may be appointed in these cases (on a confidential and professionals' eyes only basis); and (iv) any other party as may be ordered by the Court or agreed to by the Debtors and each of the Administrative Agent and the Commitment Parties party thereto, in each case under appropriate confidentiality agreements reasonably satisfactory to the Debtors, the Administrative Agent and such Commitment Party that preserve the confidentiality of the applicable Fee Letter (and any information derived therefrom).

3. The Debtors and any party authorized to receive any of the Fee Letters shall be authorized and directed, subject to Bankruptcy Local Rule 9037-1, to redact specific references to the information set forth therein from pleadings filed on the public docket maintained in these Chapter 11 Cases.

4. The terms and conditions of this Order are immediately effective and enforceable upon its entry.

5. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Sealing Motion.

6. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

**Signed: February 15, 2023.**

  
\_\_\_\_\_  
DAVID R. JONES  
UNITED STATES BANKRUPTCY JUDGE

United States Bankruptcy Court  
Southern District of TexasIn re:  
Avaya Inc.  
DebtorCase No. 23-90088-drj  
Chapter 11**CERTIFICATE OF NOTICE**District/off: 0541-4  
Date Rcvd: Feb 15, 2023User: ADIuser  
Form ID: pdf002Page 1 of 3  
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 17, 2023:

Recip ID	Recipient Name and Address
db	+ Avaya Inc., 350 Mount Kemble Avenue, Morristown, NJ 07960-6635
intp	+ Debevoise Holders, Debevoise & Plimpton LLP, 66 Hudson Boulevard, New York, NY 10001-2189

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

**BYPASSED RECIPIENTS**

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
intp		Ad Hoc Noteholder Group
intp		Akin Ad Hoc Group
cr		Citibank, N.A.
op		Kurtzman Carson Consultants LLC
intp		Paul, Weiss Ad Hoc Group
cr		The Bank of New York Mellon Trust Company, N.A.

TOTAL: 6 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

**NOTICE CERTIFICATION**

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 17, 2023

Signature:           /s/Gustava Winters          **CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 15, 2023 at the address(es) listed below:

Name	Email Address
Charles A Beckham, Jr	on behalf of Creditor Citibank N.A. charles.beckham@haynesboone.com, kenneth.rusinko@haynesboone.com
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TOTAL: 31