

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

LEISURE INVESTMENTS HOLDINGS LLC,
et al.,¹

Debtors.

Chapter 11

Case No. 25-10606 (LSS)

(Jointly Administered)

Hearing Date:

May 5, 2025 at 10:00 a.m. (ET)

Objection Deadline:

April 28, 2025 at 4:00 p.m. (ET)

**DEBTORS' MOTION FOR ENTRY OF AN ORDER (I) AUTHORIZING THE
DEBTORS TO REDACT PERSONALLY IDENTIFIABLE INFORMATION FOR
CERTAIN INDIVIDUAL CREDITORS AND PARTIES IN INTEREST;
AND (II) GRANTING RELATED RELIEF**

Leisure Investments Holdings LLC, and certain of its affiliates (collectively, the “**Debtors**”) in the above-captioned chapter 11 cases (collectively, the “**Chapter 11 Cases**”), hereby file this motion (this “**Motion**”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “**Proposed Order**”), (i) authorizing the Debtors to redact certain personally identifiable information in pleadings filed in the Chapter 11 Cases, including the Debtors’ (a) list of creditors (the “**Creditor Matrix**”), (b) list of equity holders attached to the Debtors’ chapter 11 petitions (the “**Equity Holders List**”), and (c) the Debtors’ schedules of assets and liabilities and statements of financial affairs (the “**Schedules and Statements**”); and

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number are as follows: Leisure Investments Holdings LLC (7260); Triton Investments Holdings LLC (6416); MS Leisure Company (7257); Icarus Investments Holdings LLC (2636); Ejecutivos de Turismo Sustentable S.A. de C.V. (5CA4); Dolphin Capital Company, S. de R.L. de C.V. (21H8); Dolphin Leisure, Inc. (7073); Dolphin Austral Holdings, S.A. de C.V. (6A13); Aqua Tours, S.A. de C.V. (6586); Viajero Cibernético, S.A. de C.V. (1CZ7); Promotora Garrafón, S.A. de C.V. (0KA2); Marineland Leisure, Inc. (7388); GWMP, LLC (N/A); Gulf World Marine Park, Inc. (0348); and The Dolphin Connection, Inc. (0322). For the purposes of these chapter 11 cases, the address for the Debtors is Leisure Investments Holdings LLC, c/o Riveron Management Services, LLC, 600 Brickell Avenue, Suite 2550, Miami, FL 33131.



(ii) granting related relief. In further support of the Motion, the Debtors rely upon and incorporate by reference the *Declaration of Steven Robert Strom in Support of the Debtors' Chapter 11 Petitions and First Day Pleadings* [Docket No. 10] (the “**First Day Declaration**”).² In further support of this Motion, the Debtors respectfully represent as follows:

JURISDICTION AND VENUE

1. The United States Bankruptcy Court for the District of Delaware (the “**Court**”) has jurisdiction over 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 as of February 29, 2012. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

2. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2), and, pursuant to rule 9013-1(f) of the Local Rules of the United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”), the Debtors consent to the entry of a final order by the Court in connection with this Motion to the extent that 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.

3. The statutory and legal predicates for the relief sought herein are sections 105(a), 107(c), and 521 of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “**Bankruptcy Code**”), rules 2002, 9007, and 9018 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Local Rule 2002-1.

BACKGROUND

4. On March 31, 2025, each of the Debtors filed a voluntary petition for relief pursuant to chapter 11 of the Bankruptcy Code. The Debtors continue to operate their businesses and

² Capitalized terms used but not defined herein shall have the meaning ascribed to such terms in the First Day Declaration.

manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

5. No statutory committee of unsecured creditors has been appointed by the Office of the United States Trustee for the District of Delaware (the “**U.S. Trustee**”) and no trustee or examiner has been appointed in the Chapter 11 Cases.

6. Additional information regarding the Debtors, including their business operations, their corporate and capital structure, and the events leading to the commencement of the Chapter 11 Cases, is set forth in detail in the First Day Declaration.

RELIEF REQUESTED

7. By this Motion, the Debtors request entry of the Proposed Order (i) authorizing the Debtors to redact certain personally identifiable information in pleadings filed in the Chapter 11 Cases, including the Debtors’ (a) Creditor Matrix, (b) Equity Holders List, and (c) the Schedules and Statements; and (ii) granting related relief.

BASIS FOR RELIEF

8. The Debtors respectfully submit that it is appropriate to authorize the Debtors to redact from any paper filed with the Court in the Chapter 11 Cases—including, but not limited to, the Creditor Matrix, the Equity Holders List, and the Schedules and Statements—the home and email addresses (if applicable) of individuals, including, but not limited to, the Debtors’ current and former employees, customers, vendors, and equity holders (the “**Personal Identification Information**”) because such information could be used to perpetrate identity theft or locate

survivors of domestic violence, harassment, or others who have taken steps to conceal their whereabouts.³

9. Section 107(c)(1) of the Bankruptcy Code provides:

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 other unlawful injury to the individual or the individual's property:

(A) Any means of identification . . . contained in a paper filed, or to be filed, in a case under [the Bankruptcy Code].

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

11 U.S.C. § 107(c)(1).

10. If a debtor can show that disclosure of any “means of identification,” or some “other information,” creates “undue risk of identity theft” or “other unlawful injury,” courts may intervene to curtail disclosure of that information. *Id.* Although the public has a common law “right of access to judicial proceedings and records,” *In re Cendant Corp.*, 260 F.3d 183, 192 (3d Cir. 2001), the Bankruptcy Code permits courts, in appropriate circumstances, to protect individuals from an undue risk of identity theft or other unlawful injury by limiting the public's access, placing papers under seal, or otherwise entering orders to prohibit the dissemination of sensitive information. *See* 11 U.S.C. § 107(c); *see also Cendant Corp.*, 260 F.3d at 194 (noting the public's right of access “is not absolute”) (citation and internal quotation marks omitted); *Leucadia, Inc. v. Applied Extrusion Tech., Inc.*, 998 F.2d 157, 165 (3d Cir. 1993) (“Although the

³ This risk is not merely speculative as there have been examples in the past where non-interested parties have utilized the publicly available information in bankruptcy cases to track down, stalk, or otherwise contact individuals involved in bankruptcy cases. In at least one chapter 11 case, the abusive former partner of a debtor's employee exploited the publicly accessible creditor and employee information filed in the chapter 11 case to track the employee at the employee's address, which had not been publicly available until then, forcing the employee to change addresses for safety reasons. This incident is described in the “creditor matrix motion” filed in *In re Charming Charlie Holdings Inc.*, No. 19-11534 (CSS) (Bankr. D. Del. July 11, 2019) [Docket No. 4].

right of access is firmly entrenched, so also is the correlative principle that the right is not absolute.”) (citation and internal quotation marks omitted).

11. Here, the personal mailing and email addresses of individuals identified in the Chapter 11 Cases, including the Debtors’ individual creditors, customers, and equity holders, fit squarely within section 1028(d)(7)(A) of title 18 of the United States Code and disclosure of such information would create an undue risk of identity theft contemplated by section 107(c) of the Bankruptcy Code and would potentially cause other types of unlawful injury to these individuals, including potential future harassment from the Debtors’ creditors.

12. Courts in this District have expounded on the importance of authorizing debtors to redact personally identifiable information, including home addresses in particular. In *Art Van Furniture*, in overruling the objection of the U.S. Trustee to similar relief proposed here, the court noted that the proposed redaction was not a “burden of proof” issue so “much as a common sense issue.” Hr’g Tr. at 25:6–7, *In re Art Van Furniture, LLC*, No. 20-10533 (CSS) (Bankr. D. Del. Mar. 2020) [Docket No. 82]. The court concluded that “at this point and given the risks associated with having any kind of private information out on the internet, [redaction] has really become routine [and] I think obvious relief.” *Id.* at 25:13–16. Similarly, in *In re Clover Techs. Grp.*, the court overruled the U.S. Trustee’s objection, noting that:

[t]o me it is common sense. I don’t need evidence that there is, at best, a risk of identity theft and worse a risk of personal injury from listing someone’s name and address on the internet by way of the court’s electronic case filing system and, of course, the claims agent’s website The court can completely avoid contributing to the risk by redacting the addresses. And while there is, of course, an important right of access we routinely redact sensitive and confidential information for corporate entities and redact individual’s home addresses.

Hr’g Tr. at 24:21–25, 25:9–10, *In re Clover Techs. Grp., LLC*, No. 19-12680 (KBO) (Bankr. D. Del. Jan. 22, 2020) [Docket No. 146] (authorizing the debtors to redact personal identification

information, including home address information, of all individuals on documents filed with the court).

13. Likewise, in *Forever 21*, in overruling the U.S. Trustee's objection, this Court found that "[w]e live in a new age in which the theft of personal identification is a real risk, as is injury to persons who, for personal reasons, seek to have their addresses withheld." Hr'g Tr. at 60:22–25, *In re Forever 21, Inc.*, No. 19-12122 (KG) (Bankr. D. Del. Dec. 19, 2019) [Docket No. 605]; *see also In re Enjoy Tech. Inc.*, Case No. 22-10580 (JKS) (Bankr. D. Del. July 1, 2022) (authorizing the debtors to file under seal the portions of the creditor matrix, the schedules and statements, and any related affidavits of service containing the home addresses of the debtors' current employees).

14. The Debtors propose to provide, on a confidential basis, an unredacted version of the Creditor Matrix, the Equity Holders List, the Schedules and Statements, and any other redacted, applicable filings to the Court, the U.S. Trustee, and counsel to any official committee appointed in the Chapter 11 Cases.

15. For these reasons, the Debtors respectfully submit that cause exists to authorize the Debtors to redact from papers filed in the Chapter 11 Cases, including the Creditor Matrix, the Equity Holders List, and the Schedules and Statements, as applicable, the Personal Identification Information of individuals, including, but not limited to, the Debtors' customers, equity holders, and employees, because such information could be used to perpetrate identity theft or stalking.

COMPLIANCE WITH LOCAL RULE 9018-1(d)(ii)

16. Under the circumstances, and given the nature of the relief requested herein, the Debtors have not been able to confer with the individuals whose information is requested to be sealed, and accordingly, the Debtors submit that there is cause to excuse the Debtors from the meet and confer obligations under Local Rule 9018-1(d)(ii).

NOTICE

17. Notice of this Motion will be provided to: (a) the U.S. Trustee; (b) the Debtors' 20 largest unsecured creditors (excluding insiders), once identified; (c) counsel to the Prepetition First Lien Noteholders and DIP Lenders; (d) counsel to the DIP Agent; (e) counsel to the Prepetition Second Lien Noteholders; (f) counsel to the Prepetition First Lien Collateral Agent and the Prepetition Second Lien Collateral Agent; and (g) all parties that have filed a notice of appearance and request for service of papers pursuant to Bankruptcy Rule 2002. In light of the nature of the relief requested herein, the Debtors submit that no other or further notice is necessary.

[Signature Page Follows]

CONCLUSION

WHEREFORE, the Debtors respectfully request that this Court enter the Proposed Order, substantially in the form annexed hereto as **Exhibit A**, granting the relief requested herein and such other and further relief as is just and proper.

Dated: April 14, 2025

/s/ Jared W. Kochenash

YOUNG CONAWAY STARGATT & TAYLOR, LLP

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Proposed Counsel to the Debtors and Debtors in Possession

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

LEISURE INVESTMENTS HOLDINGS LLC,
et al.,¹

Debtors.

Chapter 11

Case No. 25-10606 (LSS)

(Jointly Administered)

Hearing Date:

May 5, 2025 at 10:00 a.m. (ET)

Objection Deadline:

April 28, 2025 at 4:00 p.m. (ET)

NOTICE OF MOTION

PLEASE TAKE NOTICE that the debtors and debtors in possession in the above-captioned cases (collectively, the “**Debtors**”) have filed the *Debtors’ Motion for Entry of an Order (I) Authorizing the Debtors to Redact Personally Identifiable Information for Certain Individual Creditors and Parties in Interest; and (II) Granting Related Relief* (the “**Motion**”) with the United States Bankruptcy Court for the District of Delaware (the “**Court**”).

PLEASE TAKE FURTHER NOTICE that any objections to the Motion must be filed on or before **April 28, 2025 at 4:00 p.m. (ET)** (the “**Objection Deadline**”) with the United States Bankruptcy Court for the District of Delaware, 3rd Floor, 824 North Market Street, Wilmington, Delaware 19801. At the same time, you must serve a copy of any objection upon the undersigned proposed counsel to the Debtors so as to be received on or before the Objection Deadline.

PLEASE TAKE FURTHER NOTICE THAT A HEARING TO CONSIDER THE MOTION WILL BE HELD ON MAY 5, 2025 AT 10:00 A.M. (ET) BEFORE THE HONORABLE LAURIE SELBER SILVERSTEIN IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE, 824 N. MARKET STREET, 6TH FLOOR, COURTROOM NO. 2, WILMINGTON, DELAWARE 19801.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number are as follows: Leisure Investments Holdings LLC (7260); Triton Investments Holdings LLC (6416); MS Leisure Company (7257); Icarus Investments Holdings LLC (2636); Ejecutivos de Turismo Sustentable S.A. de C.V. (5CA4); Dolphin Capital Company, S. de R.L. de C.V. (21H8); Dolphin Leisure, Inc. (7073); Dolphin Austral Holdings, S.A. de C.V. (6A13); Aqua Tours, S.A. de C.V. (6586); Viajero Cibernético, S.A. de C.V. (1CZ7); Promotora Garrafón, S.A. de C.V. (0KA2); Marineland Leisure, Inc. (7388); GWMP, LLC (N/A); Gulf World Marine Park, Inc. (0348); and The Dolphin Connection, Inc. (0322). For the purposes of these chapter 11 cases, the address for the Debtors is Leisure Investments Holdings LLC, c/o Riveron Management Services, LLC, 600 Brickell Avenue, Suite 2550, Miami, FL 33131.

PLEASE TAKE FURTHER NOTICE THAT, IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR A HEARING.

Dated: April 14, 2025

/s/ Jared W. Kochenash

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Proposed Counsel to the Debtors and Debtors in Possession

EXHIBIT A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

LEISURE INVESTMENTS HOLDINGS LLC,
et al.,¹

Debtors.

Chapter 11

Case No. 25-10606 (LSS)

(Jointly Administered)

Docket Ref. No. ____

**ORDER (I) AUTHORIZING THE DEBTORS TO REDACT PERSONALLY
IDENTIFIABLE INFORMATION FOR CERTAIN INDIVIDUAL CREDITORS
AND PARTIES IN INTEREST; AND (II) GRANTING RELATED RELIEF**

Upon consideration of the motion (the “**Motion**”)² of the above-captioned debtors and debtors in possession (collectively, the “**Debtors**”) for entry of an order (this “**Order**”) (i) authorizing the Debtors to redact certain personally identifiable information in papers filed in the Chapter 11 Cases, including the Debtors’ (a) Creditor Matrix, (b) Equity Holders List, and (c) the Schedules and Statements; and (ii) granting related relief; and upon the First Day Declaration; and upon the statements of counsel made in support of the relief requested in the Motion at the hearing before this Court; and it appearing that this Court has jurisdiction to consider the Motion 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; and

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² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

the Court having authority to hear the matters raised in the Motion pursuant to 28 U.S.C. § 157; and the Court having venue pursuant to 28 U.S.C. §§ 1408 and 1409; and consideration of the Motion and the requested relief being a core proceeding that the Court can determine pursuant to 28 U.S.C. § 157(b)(2); and due and sufficient notice of the Motion having been given under the circumstances, and it appearing that no other or further notice need be provided; and the Court having reviewed and considered the Motion and the First Day Declaration; and the Court having found that the relief requested in the Motion is in the best interests of the Debtors and their estates; and upon the record herein; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED on an interim basis as set forth herein.
2. The Debtors are hereby authorized to redact the Personal Identification Information of individuals listed on the Creditor Matrix, the Equity Holders List, the Schedules and Statements, and other documents that the Debtors file in the Chapter 11 Cases. The Debtors shall provide, on a confidential basis, an unredacted version of the Creditor Matrix, the Equity Holders List, the Schedules and Statements, and any other filings redacted pursuant to this Order to the Court, the U.S. Trustee, counsel to any official committee appointed in the Chapter 11 Cases, and any subsequent appointed trustee. The unredacted versions of the Creditor Matrix, the Equity Holders List, the Schedules and Statements, and any other filings redacted pursuant to this Order shall be filed under seal and shall not be made available to any other party without the consent of the Debtors or further order of this Court; *provided* that any receiving party shall not transfer or otherwise provide such unredacted document to any person or entity not party to the request.
3. When serving any notice on the Debtors' current and former employees, customers, vendors, and equity holders, among others, the Debtors' claims and noticing agent, Kurtzman Carson Consultants, LLC dba Verita Global and, where applicable, the Clerk of this Court, shall

use the residential address of each such current and former employee, customer, vendor, equity holder, or other party unless (i) the Debtors' books and records reflect a non-residential address for such party, or (ii) such party has requested to receive notice at another address.

4. The Debtors are authorized to take any and all actions necessary to effectuate the relief granted herein.

5. The requirements of Bankruptcy Rule 6003(b) are satisfied.

6. Notwithstanding any applicability of Bankruptcy Rule 6004(h), the terms and conditions of this Order shall be effective and enforceable immediately upon its entry.

7. This Order shall be deemed entered on the docket of, and effective with respect to, any chapter 11 case filed after the entry of this Order that is jointly administered with the Chapter 11 Cases.

8. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.