

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

F21 OPCO, LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 25-10469 ()

(Joint Administration Requested)

**DEBTORS' MOTION FOR ENTRY OF
AN ORDER (I) AUTHORIZING DEBTORS TO
REDACT CERTAIN PERSONALLY IDENTIFIABLE
INFORMATION FROM THE CREDITOR MATRIX AND
OTHER DOCUMENTS, AND (II) GRANTING RELATED RELIEF**

F21 OpCo, LLC and its debtor affiliates, as debtors and debtors in possession (collectively, the “**Debtors**”) in the above-captioned chapter 11 cases (these “**Chapter 11 Cases**”), hereby submit this motion (this “**Motion**”) for the entry of an order, substantially in the form attached hereto as **Exhibit A** (the “**Proposed Order**”), (a) authorizing the Debtors to redact certain personally identifiable information from their consolidated list of creditors (the “**Creditor Matrix**”), the Debtors’ schedules of assets and liabilities and statements of financial affairs (the “**Schedules and Statements**”), and other documents filed in these Chapter 11 Cases, and (b) granting related relief. In support of this Motion, the Debtors rely upon, and incorporate by reference, the *Declaration of Stephen Coulombe in Support of Chapter 11 Petitions and First Day*

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: F21 OpCo, LLC (8773); F21 Puerto Rico, LLC (5906); F21 GiftCo Management, LLC (6412). The Debtors’ address for purposes of service in these Chapter 11 Cases is 110 East 9th Street, Suite A500, Los Angeles, CA 90079.



Pleadings (the “**First Day Declaration**”),² filed contemporaneously herewith. In further support of this Motion, the Debtors respectfully state as follows:

JURISDICTION AND VENUE

1. The United States Bankruptcy Court for the District of Delaware (the “**Court**”) has jurisdiction to consider this Motion under 28 U.S.C. § 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. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Under 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 in connection herewith consistent with Article III of the United States Constitution.

2. Venue of these Chapter 11 Cases and this Motion in this district is proper under 28 U.S.C. §§ 1408 and 1409.

3. The statutory and legal predicates for the relief requested herein are sections 105(a) and 107 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “**Bankruptcy Code**”), Rules 1007, 2002(m), 9007, and 9018 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Local Rules 1001-1, 1007-2, and 2002-1.

BACKGROUND

4. On the date hereof (the “**Petition Date**”), the Debtors filed voluntary petitions in the Court commencing these Chapter 11 Cases. The Debtors continue to manage and operate their

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

businesses as debtors in possession under sections 1107 and 1108 of the Bankruptcy Code. No trustee or examiner has been requested and no committee has been appointed in these Chapter 11 Cases.

5. The factual background regarding the Debtors, including their business operations, their capital and debt structures, and the events leading to the filing of these Chapter 11 Cases, is set forth in detail in the First Day Declaration. Simultaneously herewith, the Debtors have filed a motion seeking to have these Chapter 11 Cases jointly administered for procedural purposes only pursuant to Bankruptcy Rule 1015(b).

RELIEF REQUESTED

6. By this Motion, the Debtors seek entry of the Proposed Order, (a) authorizing the Debtors to redact certain personally identifiable information from their Creditor Matrix, Schedules and Statements, and other documents filed in these Chapter 11 Cases, and (b) granting related relief.

BASIS FOR RELIEF

I. CAUSE EXISTS TO AUTHORIZE THE REDACTION OF CERTAIN PERSONALLY IDENTIFIABLE INFORMATION OF INDIVIDUALS

7. 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).

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

9. The Debtors respectfully submit that it is appropriate to authorize the Debtors to redact from any paper filed with the Court in these Chapter 11 Cases—including, but not limited to, the Creditor Matrix and the Schedules and Statements—the home and email addresses of individuals, including the Debtors’ employees, former employees, and customers (the “**Personally Identifiable Information**”), because such information could be used to perpetrate identity theft or locate survivors of domestic violence, harassment, or stalking who have otherwise taken steps to conceal their whereabouts.³

³ The risk is not merely speculative. In at least one chapter 11 case, the abusive former partner of a debtor’s employee used the publicly accessible creditor and employee information filed in the chapter 11 case to track the employee at her new address that had not been publicly available until then, forcing the employee to change addresses again. The incident, which took place during the first *Charming Charlie* chapter 11 proceedings in 2017, 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) [D.I. 4].

10. Here, the Debtors submit that the personal mailing and email addresses of their individual creditors and customers fit squarely within section 1028(d)(7)(A) of title 18 of the United States Code and that 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.

11. In addition to granting the requested relief, courts in this district have also 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 Office of the United States Trustee for the District of Delaware (the "U.S. Trustee") to similar redaction relief proposed here, the court noted that the proposed redaction is 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).

12. Likewise, in *In re Forever 21*, the Debtors’ predecessor’s case, in overruling the U.S. Trustee’s objection, the 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 Technology 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).

13. The Debtors propose to provide to the Court, the U.S. Trustee, and counsel to any official committee appointed in these Chapter 11 Cases, on a confidential basis, an unredacted version of any documents that are filed in a redacted form pursuant to the Proposed Order.

14. For these reasons, the Debtors respectfully submit that cause exists to authorize the Debtors to redact from the Creditor Matrix, the Schedules and Statements, and any other document filed with the Court, as applicable, in these Chapter 11 Cases, the Personally Identifiable Information because such information could be used to perpetrate identity theft or stalking. With potentially thousands of individual creditors, the Debtors cannot reasonably know with sufficient certainty whether a release of such individual creditors’ and interest holders’ personal information could potentially jeopardize their safety.

NOTICE

15. Notice of this Motion will be given to: (a) the U.S. Trustee; (b) counsel to Wells Fargo Bank, N.A. as Prepetition ABL Administrative Agent; (c) counsel to Pathlight Capital LP as Prepetition Term Loan Agent; (d) counsel to Simon Blackjack Consolidated Holdings, LLC as Prepetition Subordinated Loan Agent; (e) the creditors listed on the Debtors' consolidated list of thirty (30) creditors holding the largest unsecured claims against the Debtors; (f) the United States Attorney for the District of Delaware; (g) the Internal Revenue Service; (h) the state attorneys general for states in which the Debtors conduct business; and (i) all parties entitled to notice pursuant to Bankruptcy Rule 2002. Notice of this Motion and any order entered hereon will be served in accordance with Local Rule 9013-1(m). The Debtors submit that, under the circumstances, no other or further notice is required.

[Remainder of page intentionally left blank.]

WHEREFORE, the Debtors respectfully request that the Court enter the Proposed Order, granting the relief requested in this Motion and such other and further relief as may be just and proper.

Dated: March 17, 2025

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Kristin L. McElroy

Andrew L. Magaziner (No. 5426)

Robert F. Poppiti, Jr. (No. 5052)

Ashley E. Jacobs (No. 5635)

S. Alexander Faris (No. 6278)

Kristin L. McElroy (No. 6871)

Andrew M. Lee (No. 7078)

Sarah Gawrysiak (No. 7403)

Rodney Square

1000 North King Street

Wilmington, DE 19801

Telephone: (302) 571-6600

Email: amagaziner@ycst.com

rpoppiti@ycst.com

ajacobs@ycst.com

afaris@ycst.com

kmcelroy@ycst.com

alee@ycst.com

sgawrysiak@ycst.com

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:

F21 OPCO, LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 25-10469 (___)

(Jointly Administered)

Ref: Docket No. ___

**ORDER (I) AUTHORIZING DEBTORS TO REDACT CERTAIN PERSONALLY
IDENTIFIABLE INFORMATION FROM THE CREDITOR
MATRIX AND OTHER DOCUMENTS, AND (II) GRANTING RELATED RELIEF**

Upon the motion (the “**Motion**”)² of the Debtors for entry of an order (this “**Order**”)
(a) authorizing the Debtors to redact certain personally identifiable information from their Creditor Matrix, Schedules and Statements, and any other document filed with this Court, and (b) granting related relief, all as more fully set forth in the Motion; and this Court having reviewed the Motion and the First Day Declaration; and this Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 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 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 order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and

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upon the record herein; and after due deliberation thereon; and this Court having determined that the relief requested in the Motion is in the best interests of the Debtors, their estates, their creditors, and other parties in interest, it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion is GRANTED as set forth herein.
2. The Debtors are hereby authorized to redact the Personally Identifiable Information of individuals listed on the Creditor Matrix, the Schedules and Statements, and any other documents filed by the Debtors with this Court in these Chapter 11 Cases. The Debtors shall provide, on a confidential basis, an unredacted version of the Creditor Matrix, the Schedules and Statements, and any other filings redacted pursuant to this Order upon request to this Court, the U.S. Trustee, and counsel to any official committee appointed in these Chapter 11 Cases. The unredacted versions of the Creditor Matrix, the Schedules and Statements, and any other filings redacted pursuant to this Order shall not be made available to any other party without the consent of the Debtors or further order of this Court.
3. When serving any notice in these Chapter 11 Cases on any individual person, including, the Debtors' employees, the Debtors' claims agent, and, where applicable, the Clerk of this Court, the Debtors shall use such person's residential address. Nothing in this Order shall waive or otherwise limit the service of any document upon, or the provision of any notice to, any individual person solely because such individual's residential address and/or email address is redacted pursuant to this Order. Service of all documents and notices upon individual persons whose residential address and/or email address is redacted pursuant to this Order shall be made to their residential addresses and confirmed in the corresponding certificate of service.
4. The Debtors are authorized and empowered to take all actions necessary or appropriate to implement the relief granted in this Order.

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