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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

_____	X	
In re	:	Chapter 11
	:	
GARRETT MOTION INC., <i>et al.</i> , ¹	:	Case No. 20-12212 (MEW)
	:	
Reorganized Debtor.	:	Jointly Administered
	:	
_____	X	

**REORGANIZED DEBTORS’ MOTION FOR ENTRY OF AN ORDER
AUTHORIZING THE REORGANIZED DEBTORS TO FILE UNDER SEAL
CERTAIN PERSONAL INFORMATION IN THEIR
OBJECTION TO MOTION BY NOMIS BAY, LTD. AND BPY LTD.**

Garrett Motion Inc. (“GMI”), on behalf of itself and its affiliated reorganized debtors (collectively, the “Reorganized Debtors”), hereby files this motion (this “Motion”) for entry of an order, substantially in the form attached hereto as Exhibit A (the “Proposed Order”), pursuant to section 107(c) of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”) and rule 9018-1 of the Local Rules of the United States Bankruptcy Court for the Southern District of New York (the “Local Rules”), authorizing the Reorganized Debtors to file and maintain under seal personal contact information in the *Reorganized Debtors’*

¹ The last four digits of Garrett Motion Inc.’s tax identification number are 3189. The Reorganized Debtor’s corporate headquarters is located at La Pièce 16, Rolle, Switzerland.



Objection to Motion by Nomis Bay, Ltd. and BPY Ltd. to Compel Compliance with the Debtors' Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code (the "Objection") and accompanying exhibits filed contemporaneously herewith. In support of the Motion, the Reorganized Debtors respectfully represent and set forth as follows:

Background

1. On September 20, 2020, GMI and each of its affiliated debtors (the "Debtors") filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York (the "Court").

2. On April 23, 2021, the Court held an uncontested plan confirmation hearing and on April 26, 2021, entered the *Findings of Fact, Conclusions of Law and Order Confirming the Debtors' Amended Joint Chapter 11 Plan of Reorganization Under Chapter 11 of the Bankruptcy Code* [D.I. 1161]. The Debtors' chapter 11 plan of reorganization became effective, and the Debtors emerged from these chapter 11 cases, on April 30, 2021 [D.I. 1189].

Facts Specific to the Relief Requested

3. On November 4, 2021, Nomis Bay, Ltd. and BYP Ltd. (collectively, the "Movants") filed the *Motion by Nomis Bay, Ltd. and BPY Ltd. to Compel Compliance with the Debtors' Amended Joint Plan of Reorganization under Chapter 11 of the Bankruptcy Code* [D.I. 1445] (the "Motion to Compel"), requesting the Court enter an order compelling the Reorganized Debtors to issue them additional series A preferred stock. In response, the Reorganized Debtors filed the Objection requesting the Court deny the Motion to Compel.

4. The Objection and accompanying exhibits contain email addresses and phone numbers of the contact parties of the Movants and contact parties of other holders of the Reorganized Debtors' series A preferred stock (collectively, the "Confidential Information").

The Confidential Information contain identifying data and information personal to the individual contact parties, including the identity and contact information of numerous investors in the Reorganized Debtors who are not parties to the Motion to Compel and who may not be otherwise publicly identifiable. Such information is necessary to be included in the Objection in order to substantiate and explain the facts and circumstances of the Debtors' rights offering and the subsequent notice and questionnaire distributed to all verified accredited investors. However, such information has not previously been filed publicly on the docket of these chapter 11 proceedings.

Jurisdiction

5. The Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334 and Article 14 of the Plan. Venue is proper in the Court pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b).

Relief Requested

6. By this Motion, the Reorganized Debtors seek entry of the Proposed Order (a) authorizing the Reorganized Debtors to file and maintain the Confidential Information under seal, and (b) granting such other relief as the Court otherwise deems necessary or appropriate.

Basis for Relief

7. Section 107(c) of the Bankruptcy Code provides that the 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 . . . [a]ny means of identification (as defined in section 1028(d) of title 18). . . contained in paper filed, or to be filed, in a case under" the Bankruptcy Code or "[o]ther information contained in a paper"

filed or to be filed in a bankruptcy case. 11 U.S.C. §§ 107(c)(1)(A)-(B). The Court's power and discretion under section 107 are broad and flexible:

Section 107(c) gives the court broad discretion to protect an individual with respect to any information, including identifying information, in a paper filed or to be filed with the court to the extent that the court finds that disclosure of the information would create an undue risk of identity theft or unlawful injury to the individual or the individual's property. . . .

The types of information that can be protected by the court are unlimited.

2 Collier on Bankruptcy ¶ 104.06 (16th ed. 2016).

8. The Reorganized Debtors respectfully submit that cause exists to authorize the Reorganized Debtors to file and maintain the Confidential Information under seal. The Reorganized Debtors shall provide unredacted copies of the Objection and all accompanying exhibits to the Court and counsel to Movants (on a confidential basis), and any other party upon direction from the Court.

9. Here, the risk of invasion of privacy of third parties not involved with the Motion to Compel, who may be identified by phone number and email addresses, and/or have their phone numbers or email addresses used by unintended parties, outweighs the presumption in favor of public access or judicial records and papers. *See In re Avaya, Inc.*, No. 17-10089 (SMB), 2019 WL 1750908, at *5 (Bankr. S.D.N.Y. Mar. 28, 2019) (“If a court determines that the document at issue is a judicial record and the presumption of public access attaches, it must then balance concerns for impairing law enforcement or judicial efficiency against the privacy interests of the person resisting disclosure.”). There is no added benefit to the public by disclosing the email addresses of the holders of the Reorganized Debtors' series A preferred stock or the email addresses and phone numbers of the contact parties of the Movants. No party-in-interest would be prejudiced by granting such relief.

10. In light of the foregoing, the Reorganized Debtors respectfully request that the Court permit the Reorganized Debtors to file and maintain the Confidential Information under seal, with unredacted copies of the Objection and all accompanying exhibits provided only to the Court and counsel to the Movants (on a confidential basis).²

Notice

11. Notice of this Motion has been provided to: (a) counsel to the Movants, Attn: Arthur Steinberg and Scott Davidson; (b) the U.S. Trustee, Attn: Benjamin Higgins, Esq.; (c) counsel to Honeywell International Inc., Kirkland & Ellis LLP, Attn: Nicole L. Greenblatt, P.C. and Mark McKane, P.C.; (d) counsel to Oaktree Capital Management, L.P. and Centerbridge Partners, L.P., as Plan Sponsors, Milbank LLP, Attn: Dennis F. Dunne, Andrew M. Leblanc, and Andrew C. Harmeyer; (e) counsel to the Additional Investors, Jones Day, Attn: Anna Kordas, Bruce Bennett, Joshua M. Mester and James O. Johnston; and (f) to the extent not listed herein, those parties requesting notice pursuant to Bankruptcy Rule 2002. The Reorganized Debtors submit that, in light of the nature of the relief requested, no other or further notice need be provided.

No Prior Request

12. No prior motion for the relief requested herein has been made to this or any other Court.

Conclusion

WHEREFORE, for the reasons set forth herein, the Reorganized Debtors respectfully request that the Court (a) enter the Proposed Order, substantially in the form

² The Reorganized Debtors have also redacted the Movants' Tax ID numbers, consistent with rule 9037 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

attached hereto as Exhibit A, and (b) grant such other and further relief as is just and proper.

Dated: December 2, 2021
New York, New York

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Counsel to the Reorganized Debtors

EXHIBIT A

Proposed Order

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

_____	x	
In re	:	Chapter 11
	:	
GARRETT MOTION INC., <i>et al.</i> , ¹	:	Case No. 20-12212 (MEW)
	:	
Reorganized Debtor.	:	Jointly Administered
	:	
_____	x	

**ORDER AUTHORIZING THE REORGANIZED DEBTORS TO FILE UNDER SEAL
CERTAIN PERSONAL INFORMATION IN THEIR
OBJECTION TO MOTION BY NOMIS BAY, LTD. AND BPY LTD.**

Upon the motion (the “Motion”)² of Garrett Motion Inc. (“GMI”), on behalf of itself and its affiliated reorganized debtors (collectively, the “Reorganized Debtors”) for entry of an order (this “Order”) authorizing the Reorganized Debtors to file and maintain under seal personal contact information in the Objection and accompanying exhibits; and this Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and venue of these chapter 11 cases and the Motion in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this matter is a core proceeding pursuant to 28 U.S.C. § 157(b); and a hearing having been held to consider the relief requested in the Motion; and this Court having considered the Motion and any responses filed; and after due deliberation and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. Pursuant to section 107(c) of the Bankruptcy Code and Local Rule 9018-

¹ The last four digits of Garrett Motion Inc.’s tax identification number are 3189. The Reorganized Debtor’s corporate headquarters is located at La Pièce 16, Rolle, Switzerland.

² Capitalized terms not otherwise defined herein are to be given the meanings ascribed to them in the Motion.

1, the Reorganized Debtors are authorized to file and maintain under seal personal contact information in the Objection and accompanying exhibits.

3. Unredacted version of the Objection and all accompanying exhibits shall not be disseminated to anyone other than the Court and the Movants, absent express written consent of the Reorganized Debtors or further order from the Court.

4. Any party receiving an unredacted copy of the Objection and all accompanying exhibits shall keep such unredacted confidential information strictly confidential.

5. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

6. This Court shall retain jurisdiction with respect to any matters, claims, rights or disputes arising from or related to the Motion or the implementation of this Order.

Dated: _____
New York, New York

THE HONORABLE MICHAEL E. WILES
UNITED STATES BANKRUPTCY JUDGE