

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

<p>IN RE:</p> <p>WESCO AIRCRAFT HOLDINGS INC., <i>et al.</i>,¹ Debtors.</p>	<p>Chapter 11</p> <p>Case No. 23-90611 (MI)</p> <p>(Jointly Administered)</p>
<p>WESCO AIRCRAFT HOLDINGS, INC., <i>et al.</i>, Plaintiffs,</p> <p>v.</p> <p>SSD INVESTMENTS LTD, <i>et al.</i>, Defendants.</p>	<p>Adv. Pro. No. 23-03091 (MI)</p>
<p>SSD INVESTMENTS, LTD., <i>et al.</i>, Counterclaim Plaintiffs,</p> <p>v.</p> <p>WESCO AIRCRAFT HOLDINGS, INC., <i>et al.</i>, Counterclaim Defendants.</p>	
<p>LANGUR MAIZE, L.L.C., Crossclaim Plaintiff,</p> <p>v.</p> <p>PLATINUM EQUITY ADVISORS, LLC, <i>et al.</i>, Crossclaim Defendants.</p>	

¹ The Debtors operate under the trade name Incora and have previously used the trade names Wesco, Pattonair, Haas, and Adams Aviation. A complete list of the Debtors in these chapter 11 cases, with each one's federal tax identification number and the address of its principal office, is available on the website of the Debtors' noticing agent at <http://www.kcellc.net/Incora/>. The service address for each of the Debtors in these cases is 2601 Meacham Blvd., Ste. 400, Fort Worth, TX 76137



LANGUR MAIZE, L.L.C.,
Third-Party Plaintiff,

v.

UNNAMED PLATINUM FUNDS c/o
PLATINUM EQUITY ADVISORS, LLC, *et al.*,
Third-Party Defendants.

LANGUR MAIZE, L.L.C.,
Counterclaim Plaintiff,

v.

WESCO AIRCRAFT HOLDINGS, INC., *et al.*,
Counterclaim Defendants.

**MOTION FOR ENTRY OF AN ORDER AUTHORIZING PLATINUM TO FILE UNDER
SEAL THE DEBTORS' AND NON-DEBTOR COUNTERCLAIM DEFENDANTS'
SUPPLEMENTAL WITNESS AND EXHIBIT LIST FOR JUNE 5, 2024 TRIAL**

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this motion was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing. Represented parties should act through their attorney.

Platinum Equity Advisors, LLC, Wolverine Top Holding Corporation, and Platinum Equity Capital Partners International, IV (Cayman) LP (collectively, "Platinum") respectfully state as follows in support of their *Motion for Entry of an Order Authorizing Platinum to File Under Seal the Debtors' and Non-Debtor Counterclaim Defendants' Supplemental Witness and Exhibit List for June 5, 2024 Trial*:

RELIEF REQUESTED

1. Pursuant to Section 107(b) of the Bankruptcy Code, Rule 9018 of the Federal Rules of Bankruptcy Procedure, Rule 9037-1 of the Local Rules for the Bankruptcy Court for the Southern District of Texas, and the Stipulated Protective Order, Main Case, ECF No. 724 (the “Protective Order”), Platinum respectfully requests that the Court enter an order authorizing it to file under seal the *Debtors’ and Non-Debtor Counterclaim Defendants’ Supplemental Witness and Exhibit List for June 5, 2024 Trial* (ECF No. 1317) (the “Exhibit List”) and the Exhibits attached thereto (the “Exhibits”). Platinum will provide unsealed copies of those materials to the Court, to all parties to this adversary proceeding, and to any other party as shall be ordered by the Court.

BACKGROUND

2. On September 7, 2023, the Court entered the Stipulated Protective Order. *See* Protective Order. The Protective Order provides that parties may designate documents as Confidential or Highly Confidential – Professionals’ Eyes Only. *Id.* at ¶ 4.2(A). Any submissions to the Court that quote information that has been designated Confidential or Highly Confidential – Professionals’ Eyes Only “shall be redacted . . . or filed under seal pursuant to the Court’s rules governing sealed documents.” *Id.* ¶ 4.2(E).

3. The Exhibits have been designated as “Confidential” under the Protective Order. As such, Platinum requests to file the Exhibit List and the Exhibits under seal in compliance with its obligations under the Protective Order. Platinum will provide unredacted versions of the Exhibit List and the Exhibits to all parties in this adversary proceeding.

BASIS FOR RELIEF

4. Section 105 of the Bankruptcy Code provides that a bankruptcy court “may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a). Section 107 of the Code provides that “[o]n request of a party in interest, the bankruptcy court *shall* . . . protect an entity with respect to a trade secret or confidential research, development, or commercial information” 11 U.S.C. § 107(b)(1) (emphasis added). Rule 9018 of the Bankruptcy Rules provides that a “court may make any order which justice requires [] to protect . . . any entity in respect of a trade secret or other confidential research, development, or commercial information. . . .” Fed. R. Bankr. P. 9018. Rule 9037-1 of the Local Rules states that a “document may initially be filed under seal if the filing party simultaneously files a motion requesting that the document be maintained under seal,” L.R. 9037-1, and directs that, “[i]n some instances, it may be practicable to redact relevant confidential information from a document, and to file the redacted document in the public record. In those instances, (i) a redacted document should be filed, not under seal; and (ii) the unredacted document should simultaneously be filed, under seal.” *Id.* Finally, the Protective Order provides that:

All pleadings, memoranda supporting motions, briefs, deposition transcripts, discovery requests and responses, exhibits, and other documents that quote information from Confidential Information or Highly Confidential – Professionals’ Eyes Only Information and Confidential Information and Highly Confidential – Professionals’ Eyes Only Information if filed with the Court, shall be redacted from the Court filing (either by redacting the relevant text of the submission or redacting the entirety of any exhibit that has been designated as containing Confidential Information or Highly Confidential – Professionals’ Eyes Only Information) or filed under seal pursuant to the Court’s rules governing sealed documents, unless the Designating Party consents in writing to such Confidential Information or Highly Confidential – Professionals’ Eyes Only Information being filed publicly.

Protective Order ¶ 4.2(E).

5. Because the Exhibits have been designated Confidential, Platinum is required to file the Exhibit List and the Exhibits in redacted form or “under seal pursuant to the Court’s rules governing sealed documents,” pursuant to the Protective Order. *Id.* Accordingly, Platinum seeks permission to file the Exhibit List and the Exhibits under seal for purposes of complying with its obligations under the Protective Order.

CONCLUSION

6. Platinum respectfully requests that the Court enter the Proposed Order, attached as Exhibit 1, granting the requested relief.

Dated: June 3, 2024

WILLIAMS AND CONNOLLY LLP

/s/ Joseph G. Catalanotto

Dane H. Butswinkas (*pro hac vice*)
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CERTIFICATE OF SERVICE

I certify that, on June 3, 2024, a true and correct copy of the foregoing document was served through the Court's Electronic Case Filing System of the United States Bankruptcy Court of the Southern District of Texas, which will send a notification of such filing to all counsel of record.

Date: June 3, 2024

/s/ Joseph G. Catalanotto
Joseph G. Catalanotto

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
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HOUSTON DIVISION

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**[PROPOSED] ORDER GRANTING PLATINUM’S MOTION TO FILE UNDER SEAL
THE DEBTORS’ AND NON-DEBTOR COUNTERCLAIM DEFENDANTS’
SUPPLEMENTAL WITNESS AND EXHIBIT LIST FOR JUNE 5, 2024 TRIAL**

Upon consideration of Platinum’s *Motion for Entry of an Order Authorizing Platinum to File Under Seal the Debtors’ and Non-Debtor Counterclaim Defendants’ Supplemental Witness and Exhibit List for June 5, 2024 Trial* (the “Motion”), and any objections thereto; and the Court having jurisdiction over the Motion pursuant to 28 U.S.C. § 1334; and due and proper notice of the Motion having been provided; and this Court having determined that the bases set forth in the Motion establish cause to grant the requested relief, it is hereby

ORDERED that the Motion is GRANTED; and it is further

ORDERED that Platinum is authorized to file under seal unredacted versions of the *Debtors’ and Non-Debtor Counterclaim Defendants’ Supplemental Witness and Exhibit List for June 5, 2024 Trial* (ECF No. 1317) and the Exhibits attached thereto, pursuant to Sections 105(a)

and 107(b) of the Bankruptcy Code; Rule 9018 of the Federal Rules of Bankruptcy Procedure; and Rule 9037-1 of the Local Rules; and it is further

ORDERED that Platinum is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order; and it is further

ORDERED that the Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

SO ORDERED.

Dated: _____, 2024

MARVIN ISGUR
UNITED STATES BANKRUPTCY JUDGE