Docket #0008 Date Filed: 3/14/2022

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

IN RE: SPEEDCAST INTERNATIONAL LIMITED, *et al.*, Reorganized Debtors, v. INMARSAT GLOBAL LIMITED, *et al.*, Appellant.	§	Civil Action No. 4:22-cv-00008 Bankruptcy Case No. 20-32243

AGREED MOTION REGARDING TRANSMITTAL OF SEALED DOCUMENTS PURSUANT TO RULE 8009((f) OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Appellants Inmarsat Global Limited, Inmarsat Solutions B.V., Inmarsat Maritime Ventures, Ltd., Inmarsat Inc., Inmarsat Solutions (US) Inc., Inmarsat Solutions (Canada) Inc., and Inmarsat Solutions AS Norway (collectively, "Inmarsat"), and appellees and reorganized debtors SpeedCast International Limited et al. ("SpeedCast") file this *Agreed Motion Regarding Transmittal of Sealed Documents Pursuant to Rule 8009(f) of the Federal Rules of Bankruptcy Procedure* (the "Agreed Motion") and respectfully submit:

1. On April 9, 2021, Inmarsat filed its *Application for Allowance of Administrative Expense Claim* at Dkt. No. 1532 (the "Administrative Expense Claim").

2. On April 30, 2021, SpeedCast filed a limited objection to the Administrative Expense Claim at Dkt. Nos. 1562 and 1641.

3. Inmarsat and SpeedCast filed certain exhibits with respect to the Administrative Expense Claim under seal. *See* Bankr. Dkt. Nos. 1629-1635. In particular, the sealed documents

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include the documents attached to and referenced by the *Declaration of Steven Burnett,* at Dkt. No. 1629 and included within Inmarsat's Exhibit and Witness List, at Dkt. No. 1634,[1] and certain documents attached to and referenced by SpeedCast's Exhibit and Witness List, at Dkt. No. 1632.[2] Prior to the filing of the Administrative Expense Claim, SpeedCast also filed certain documents under seal in connection with its motion for approval of the Inmarsat transaction, at Dkt. Nos. 950 and 951, that were also designated for inclusion in the record for this appeal.

4. The Bankruptcy Court entered Orders authorizing the sealing of the Sealed Documents at Dkt. Nos. 1220, 1652, & 1654.

5. The Sealed Documents are docketed, under seal, at Dkt. Nos. 951, 1631, and 1635 with the Bankruptcy Court.

6. As of the date of the filing of this Agreed Motion, the Sealed Documents remain under seal with the Bankruptcy Court.

7. On December 21, 2021, the Bankruptcy Court entered its *Order* and *Memorandum Opinion* denying the Administrative Expense Claim, at Dkt. Nos. 1797 & 1798.

8. On January 4, 2022, Inmarsat filed its *Notice of Appeal* in the above-captioned Bankruptcy Case, at Bankr. Dkt. No. 1813, appealing the Bankruptcy Court's Order denying the Administrative Expense Claim.

9. On January 14, 2022, Inmarsat filed its designation of items for inclusion in the

[1] The sealed documents attached to the Burnett Declaration and Inmarsat Exhibit and Witness List include: (i) Strategic Alliance Agreement; (ii) Business Transfer Agreement; (iii) December 13, 2019 Agreement; (iv) Completion Bonus, Discount Payment, Goodwill Payment, and Marketing Contribution Agreements; (v) Deed of Termination and Release; (vi) December 31, 2019 Amendment; and (vii) Email Exchange (collectively, the "Inmarsat Sealed Documents"). *See* Dkt. No. 1629, 1631, & 1634.

[2] The sealed documents attached to the SpeedCast Exhibit and Witness List include: (i) the Strategic Alliance Agreement; (ii) Asset Sale Agreement; (iii) Deed of Termination and Release; (iv) email from Tony Bates to Stephe Wilks, dated June 17-18, 2020; (v) Hong Kong MSA; (vi) Cyprus MSA; and (vii) email from Tony Bates to Stephe Wilks, dated June 30, 2020 (collectively, the "SpeedCast Sealed Documents," and with the Inmarsat Sealed Documents and the documents sealed in connection with the motion for approval of the Inmarsat transaction at Dkt. No. 951, the "Sealed Documents"). *See* Dkt. Nos. 1632 & 1635.

record for this appeal, identifying, among other items, the Burnett Declaration, the Inmarsat Exhibit and Witness List, and all attachments to the same, which included the Sealed Documents.

10. On January 28, 2022, SpeedCast filed its supplemental designation of items for inclusion in the record for this appeal.

11. On February 1, 2022, the bankruptcy clerk transmitted the record for this appeal to the District Court and notice of the same was filed at Dkt. No. 3 ("Notice of Record").

12. The Notice of Record does not include the Sealed Documents.

13. Rule 8009(f) of the Federal Rules of Bankruptcy Procedure provides that a party must file a motion with the clerk of the Court where the appeal is pending to request transmittal of documents sealed by the Bankruptcy Court. Specifically, Rule 8009(f) provides:

> **Sealed Documents.** A document placed under seal by the bankruptcy court may be designated as part of the record on appeal. In doing so, a party must identify it without revealing confidential or secret information, but the bankruptcy clerk must not transmit it to the clerk of the court where the appeal is pending as part of the record. Instead, a party must file a motion with the court where the appeal is pending to accept the document under seal. If the motion is granted, the movant must notify the bankruptcy court of the ruling, and the bankruptcy clerk must promptly transmit the sealed document to the clerk of the court where the appeal is pending.

Fed. R. Bankr. P. 8009(f).

14. Pursuant to Rule 8009(f), Inmarsat and SpeedCast respectfully request that this Court accept the Sealed Documents under seal.

15. The Sealed Documents include the Strategic Alliance Agreement, MSAs, and the Transaction Documents referenced in the Administrative Expense Claim, the Bankruptcy Court's Opinion and Order, and are further anticipated to be referenced in the parties' respective briefing.

WHEREFORE, Inmarsat and SpeedCast respectfully requests that the Court authorize the

transmittal of the Sealed Documents to this Court for purposes of this appeal and maintain such Sealed Documents under seal for the duration of this appeal.

Dated: March 14, 2022
Houston, Texas

Counsel for Inmarsat

/s/ Jason L. Boland

Jason L. Boland
Bob B. Bruner
NORTON ROSE FULBRIGHT US LLP
1301 McKinney Street, Suite 5100
Houston, Texas 77010
Telephone: (713) 651-5151
Facsimile: (713) 651-5246
Email: jason.boland@nortonrosefulbright.com
Email: bob.bruner@nortonrosefulbright.com

-and-

Michael Dockterman (*pro hac vice*)
STEPTOE & JOHNSON LLP
227 West Monroe Street, Suite 4700
Chicago, IL 60606
Telephone: (312) 577-1300
E-mail: mdockterman@Steptoe.com

Alfred M. Mamlet (*pro hac vice*)
Joshua R. Taylor (*pro hac vice*)
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
Telephone: (202) 429-6205
E-mail: amamlet@Steptoe.com
E-mail: jrtaylor@Steptoe.com

Counsel for SpeedCast

/s/ *Paul R. Genender*

WEIL, GOTSHAL & MANGES LLP
Alfredo R. Pérez (15776275)
Stephanie N. Morrison (admitted pro hac vice)
700 Louisiana Street, Suite 1700
Houston, Texas 77002
Telephone: (713) 546-5000
Facsimile: (713) 224-9511
Email: Alfredo.Perez@weil.com

Stephanie.Morrison@weil.com

-and-

WEIL, GOTSHAL & MANGES LLP
Gary T. Holtzer (admitted pro hac vice)
David N. Griffiths (admitted pro hac vice)
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007
Email: Gary.Holtzer@weil.com
David.Griffiths@weil.com

-and-

WEIL, GOTSHAL & MANGES LLP
Paul R. Genender (00790758)
Amanda Pennington Prugh (24083646)
Jake R. Rutherford (24102439)
200 Crescent Court, Suite 300
Dallas, Texas 75201
Telephone: (214) 746-7877
Facsimile: (214) 746-7777
Email: Paul.Genender@weil.com
Amanda.PenningtonPrugh@weil.com
Jake.Rutherford@weil.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of March, 2022, the foregoing was filed with the Court and served via the Court's CM/ECF system to all of the parties registered to receive such notice.

/s/ Bob B. Bruner
Bob B. Bruner

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

IN RE: SPEEDCAST INTERNATIONAL LIMITED, *et al.*, Reorganized Debtors, v. INMARSAT GLOBAL LIMITED, *et al.*, Appellant.	§	Civil Action No. 4:22-cv-00008 Bankruptcy Case No. 20-32243

ORDER GRANTING AGREED MOTION REGARDING TRANSMITTAL OF SEALED DOCUMENTS PURSUANT TO RULE 8009(f) OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE

Upon consideration of the *Agreed Motion Regarding Transmittal of Sealed Documents Pursuant to Rule 8009(f) of the Federal Rules of Bankruptcy Procedure* (the "Agreed Motion")[3] filed by appellants Inmarsat Global Limited, Inmarsat Solutions B.V., Inmarsat Maritime Ventures, Ltd., Inmarsat Inc., Inmarsat Solutions (US) Inc., Inmarsat Solutions (Canada) Inc., and Inmarsat Solutions AS Norway (collectively, "Inmarsat"), and appellees and reorganized debtors SpeedCast International Limited et al.("SpeedCast"), and upon the basis of the record before the Court and the agreement of the parties, the Court finds good cause to grant the relief requested by the Agreed Motion. Accordingly, it is hereby

ORDERED that the Agreed Motion is granted; and it is further

ORDERED that the bankruptcy court clerk shall transmit the Sealed Documents, filed under seal at Bankr. Dkt. Nos. 951, 1631, & 1635, to the clerk of this Court; and it is further

[3] Capitalized terms not defied herein shall have the meaning set forth in the Agreed Motion.

ORDERED that the Sealed Documents shall remain under seal, and shall not be made available to anyone, except with prior written consent of Inmarsat and SpeedCast or further Court order.

SIGNED:

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UNITED STATES DISTRICT JUDGE