IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
WEST MARINE, INC., *et al.*,[1]	)	Case No. 26-10794 (___)
Debtors.	)	(Joint Administration Requested)

DEBTORS' MOTION FOR ENTRY OF INTERIM AND FINAL ORDERS (I) AUTHORIZING THE DEBTORS TO (A) REDACT CERTAIN CONFIDENTIAL INFORMATION OF CUSTOMERS AND (B) REDACT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION OF INDIVIDUALS, (II) AUTHORIZING ELECTRONIC NOTICING PROCEDURES, AND (III) GRANTING RELATED RELIEF

The above-captioned debtors and debtors in possession (collectively, the "Debtors") respectfully state as follows in support of this motion (this "Motion"):[2]

Relief Requested

1. The Debtors seek entry of interim and final orders, substantially in the forms attached hereto as **Exhibit A** and **Exhibit B** (respectively, the "Interim Order" and the "Final Order"): (i) authorizing the Debtors to (a) redact certain confidential information of Customers (as defined below) and (b) redact certain personally identifiable information of individuals 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"), the list of equity

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: West Marine, Inc. (5502); Marine One Holdco, LLC (2231); Marine One Parent, Inc. (0402); Rising Tide Holdings Inc. (2628); Rising Tide Parent Inc. (6153); Seascapes, Inc. (3739); W Marine Management Company, Inc. (4151); and West Marine Products, Inc. (4523). For purposes of these chapter 11 cases, the Debtors' service address is West Marine Headquarters, 1 East Broward Blvd., Suite 200, Fort Lauderdale, FL 33301.

[2] A detailed description of the Debtors and their business, including the facts and circumstances giving rise to the Debtors' chapter 11 cases, is set forth in the *Declaration of Paulee Day, Chief Executive Officer of West Marine, Inc., in Support of the Debtors' Chapter 11 Petitions and First Day Pleadings* (the "First Day Declaration"), filed contemporaneously herewith and incorporated by reference herein. Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the First Day Declaration.

security holders (the "Equity Holders List"), and other documents filed in these chapter 11 cases,[3] (ii) authorizing the Debtors and their Claims and Noticing Agent (as defined below) to provide the Creditor Matrix with electronic notice,[4] and (iii) granting related relief. In support of this Motion, the Debtors respectfully represent as follows:

Jurisdiction and Venue

2. The United States District Court for the District of Delaware has jurisdiction over this matter pursuant to 28 U.S.C. § 1334, which was referred to the United States Bankruptcy Court for the District of Delaware (the "Court") under 28 U.S.C. § 157 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012. The Debtors confirm their consent, pursuant to rule 9013-1(f) of the Local Rules of the United States Bankruptcy Court for the District of Delaware (the "Local Rules"), 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.

3. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The statutory bases 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 1007-2, 2002-1, and 9013-1(m).

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[3] The Debtors also seek authority to redact personally identifiable information from affidavits of service filed in these chapter 11 cases.

[4] The Debtors seek authority, but not direction, to provide Customers (as defined below) with electronic notice upon entry of the Interim Order and to provide the Creditor Matrix with electronic notice upon entry of the Final Order.

Background

5. West Marine is the leading integrated, omni-channel provider of aftermarket products to the boating, fishing, sailing, and watersports markets in the United States. For more than fifty years, West Marine has been recognized as a principal resource for cruisers, sailors, anglers, fishers, and other boating enthusiasts. Founded in 1968 in Sunnyvale, California, West Marine employs approximately 2,600 crew members and operates a retail footprint of more than 200 stores across thirty-four states and Puerto Rico, as well as a digital footprint through its eCommerce websites that reach domestic, international, and professional customers.

6. On the date hereof (the "Petition Date"), each Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The Debtors are operating their businesses and managing their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. The Debtors have concurrently filed a motion requesting procedural consolidation and joint administration of these chapter 11 cases pursuant to Bankruptcy Rule 1015(b). No request for the appointment of a trustee or examiner has been made in these chapter 11 cases, and no official committees have been appointed or designated.

Basis For Relief

I. The Customers' Personally Identifiable Information Is Confidential Commercial Information and the Redaction Thereof Is Necessary

7. Section 107(b)(1) of the Bankruptcy Code requires bankruptcy courts, on request of a party in interest, to "protect an entity with respect to a trade secret or confidential research, development, or commercial information." 11 U.S.C. § 107(b)(1). Pursuant to Bankruptcy Rule 9018, upon motion, "the court may issue any order that justice requires . . . to protect the estate or any entity regarding a trade secret or other confidential research, development, or commercial information." Fed. R. Bankr. P. 9018. The Court has broad authority to issue such an order. *See*

In re Glob. Crossing Ltd., 295 B.R. 720, 724 (Bankr. S.D.N.Y. 2003) ("When the requirements of Rule 9018 are satisfied, the authority to issue the resulting order is broad—'any order which justice requires.' The Court notes that the authority goes not just to the protection of confidential documents, but to other confidentiality restrictions that are warranted in the interests of justice.").

8. Courts frequently define "commercial information" as information that would provide "an unfair advantage to competitors by providing them information as to the commercial operations of the debtor." *In re Faucett*, 438 B.R. 564, 567 (Bankr. W.D. Tex. 2010) (citing *In re Orion Pictures Corp*., 21 F.3d 24, 27 (2d Cir. 1994)); *see also In re Alterra Healthcare Corp*., 353 B.R. 66, 75–76 (Bankr. D. Del. 2006) (same); *In re Glob. Crossing Ltd*., 295 B.R. at 725 ("The whole point of [Fed. R. Bankr. P. 9018(1)] is to protect business entities from disclosure of information that could reasonably be expected to cause the entity commercial injury."). Commercial information also includes "situations where a bankruptcy court may reasonably determine that allowing such disclosure would have a 'chilling effect on business negotiations, ultimately affecting the viability of Debtors.'" (quoting *In re Lomas Fin. Corp*., No. 90 Civ.7827, 1991 WL 21231, at *2 (S.D.N.Y. Feb. 11, 1991)); *In re Borders Grp., Inc*., 462 B.R. 42, 47 (Bankr. S.D.N.Y. 2011) (internal citation and quotation marks omitted); *see also In re Lomas Fin. Corp*., (finding that "commercial information" under Section 107(b)(1) is broader than merely the "information that may give a debtor's competitors an unfair advantage").

9. One of the Debtors' most critical assets is their customer list and related customer data, which is comprised of approximately 1,000,000 names of individuals and entities, email addresses, physical addresses, and telephone numbers (collectively, the "Customer List") of the

Debtors' customers (collectively, the "Customers").[5] Customer lists constitute confidential "commercial information" as used in section 107(b)(1) of the Bankruptcy Code. *See, e.g., In re FTX Trading Ltd*., Civ. No. 23-682 (CFC), 2024 WL 4948827, at *8–9 (D. Del. Dec. 3, 2024) (finding that the debtors' customer list fell within the ambit of section 107(b)(1)); *In re Genesis Glob. Holdco, LLC*, 652 B.R. 618, 632 (Bankr. S.D.N.Y. 2023) (finding the same and collecting cases where courts have held that customer lists constitute confidential commercial information and authorizing redaction of the debtors' customer lists).

10. The Debtors serve as a principal resource for marine professionals and other boating enthusiasts within a highly competitive market, whereby the Debtors compete with a diverse group of other marine retailers, which makes it critical that the Debtors maintain their existing Customers. If the Debtors were required to disclose their Customer List, the Debtors' business operations may be harmed by loss of Customers to competitors, which could negatively impact the Debtors' estates. Not only would the disclosure of the Customer List give unfair advantages to the Debtors' competitors by providing them with information as to the commercial operations of the Debtors, but also the deluge of Customer solicitation that will inevitably follow from such a disclosure will significantly increase the risk of Customer attrition, diminish the value of the Debtors' estates, and distract the Debtors from their restructuring efforts. Providing the Customer List publicly, for free, would be harmful to the prospect of a going-concern reorganization which maximizes value for the Debtors' stakeholders.

11. Moreover, as contemplated by the restructuring support agreement (the "RSA"), which is supported by many of the Debtors' key stakeholders, the Debtors entered these chapter

[5] Nothing herein shall be construed as an admission that any Customer is a "creditor" as defined in the Bankruptcy Code, and the Debtors expressly reserve all rights with respect thereto.

11 cases with a comprehensive deal to swiftly effectuate a value-maximizing reorganization while simultaneously performing a market check through Court-approved bidding procedures. The transactions contemplated by the RSA rely on the assumption that the Debtors' business will not be significantly affected during these chapter 11 cases. Moreover, the Customer List is among the Debtors' most valuable assets to a potential buyer and maintaining this confidential information is essential to ensuring that the Debtors are able to realize the full value of their business in a sale process. As such, the Debtors' Customer List is instrumental to the Debtors' success in these chapter 11 cases and post-emergence. If the Debtors' Customer List is made public, and the Debtors' competitors seize the opportunity to poach their Customers, the Debtors' going-concern value will face immediate and irreparable harm.[6]

12. Where, as here, the Debtors' Customers' identities and contact information are valuable, proprietary, and confidential commercial information, courts in this district and others have authorized debtors to redact the names and other identifying information of their customers and other parties where cause exists. Recently, in *In re FTX Trading Ltd*., the District Court of the District of Delaware, in affirming the Bankruptcy Court's ruling to permanently redact the names, addresses, and email addresses of the debtors' customers found that (a) the debtors' customer list fell within the ambit of section 107(b)(1) of the Bankruptcy Code, (b) the Bankruptcy Court's determination to protect the customer list was not an abuse of discretion, and (c) sealing the information preserved the debtors' business assets. *FTX*, 2024 WL 4948827, at *8–9; *see also In re Marelli Auto. Lighting USA LLC*, No. 25-11034 (CTG) (Bankr. D. Del. July 16, 2025) (authorizing the debtors to redact the names, street addresses, and email addresses of customers

[6] Moreover, as set forth below, the Debtors do not believe that Customers are creditors solely because they shopped in the Debtors' store locations or on their online platforms. To the extent Customers are not creditors, their disclosure is not required.

from any filings with the court or made publicly available); *In re At Home Grp. Inc*., No. 25 11120 (JKS) (Bankr. D. Del. July 11, 2025) (same); *In re WW Int'l, Inc.*, No. 25-10829 (CTG) (Bankr. D. Del. May 8, 2025) (same); *In re JOANN Inc*., No. 25 10068 (CTG) (Bankr. D. Del. Feb. 10, 2025) (same); *In re Am. Tire Distribs., Inc*., No. 24-12391 (CTG) (Bankr. D. Del. Nov. 18, 2024) (same); *In re SunPower Corp*., No. 24-11649 (CTG) (Bankr. D. Del. Aug. 28, 2024) (authorizing the debtors to redact the street and email addresses of the debtors' customers from any filings with the court or made publicly available); *In re David's Bridal, LLC*, No. 23-13131 (CMG) (Bankr. D.N.J April 19, 2023) (authorizing the debtors to redact (i) the names, home addresses, and email addresses of employees that qualify as minors and (ii) the names, home addresses and email addresses of customers.).

13. Cause therefore exists pursuant to section 107(b)(1) of the Bankruptcy Code to authorize the Debtors to redact from any paper filed or to be filed with the Court or otherwise made public in these chapter 11 cases, including the Creditor Matrix and the Schedules and Statements, the names and all associated identifying information of the Customers.

14. The Debtors will, on a confidential basis, make the unredacted version of the Customer List, and any other filings related thereto that are redacted pursuant to the Interim Order and the Final Order, available upon request to the Court, the United States Trustee for the District of Delaware (the "U.S. Trustee"), counsel to any official committee appointed in these chapter 11 cases, and Kutzman Carson Consultants, LLC dba Verita Global as claims and noticing agent (the "Claims and Noticing Agent"). The unredacted version of the Customer List and any related filings redacted pursuant to the Interim Order and the Final Order shall not be made available to any other party without the consent of the Debtors or further order of the Court. Nothing requested herein is intended to preclude a party in interest's right to file a motion requesting that the Court

unseal the information redacted by the Interim Order and the Final Order. The Debtors propose that the Claims and Noticing Agent undertake all service on any party whose identity and/or address is redacted pursuant to the Interim Order and the Final Order.

II. Redaction of Individuals' Certain Personally Identifiable Information Is Warranted

15. 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, the Schedules and Statements, and the Equity Holders List—all individuals' home and email addresses, 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.[7]

16. 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).

17. 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

[7] 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) [Docket No. 4].

intervene to curtail disclosure of that information. *Id*. 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 ESML Holdings Inc.,* Nos. 23-2954 & 24-2265, 2025 WL 1119944, at *4 (3d Cir. April 16, 2025) (holding that the sealing of documents in bankruptcy cases is governed by section 107 of the Bankruptcy Code, which "imposes a . . . distinct[] burden for a party to keep docketed records from the public eye", not by common law, and that section 107 of the Bankruptcy Code permits the sealing of information that is broader than under the common law).

18. Here, the Debtors submit that individuals' home and email addresses 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).

19. 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 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 commonsense 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).

20. Likewise, in *In re Forever 21*, 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 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).

21. Furthermore, privacy and data regulations have been enacted in key jurisdictions where the Debtors are domiciled and operate and conduct business. For example, in 2025, the Delaware Personal Data Privacy Act (the "DPDPA") took effect. The DPDPA provides individuals domiciled in Delaware the right to request their collected personal information be deleted by entities subject to the regulation. *See* Del. H.B. 154, 152d Gen. Assem. § 12D-104(a)(3) (Del. June 30, 2023). Violators would risk injunctions and civil penalties of up to $10,000 for each violation, with additional penalties for intentional violations. Del. H.B. § 12D 111(a); 29 Del. C. § 2522. The DPDPA would apply to all business entities that produce products or services

targeted to residents of Delaware that satisfy either of the following criteria: (a) "[c]ontrolled or processed the personal data of not less than 35,000 consumers;" or (b) "[c]ontrolled or processed the personal data of not less than 10,000 consumers and derived more than 20 percent of their gross revenue from the sale of personal data." Del. H.B. § 12D 103(a). The Debtors may be subject to the DPDPA because the Debtors have stores in, and sell products to, Delaware residents and control and process such residents' personal data. Additionally, in 2018, the state of California enacted the California Consumer Privacy Act of 2018 (the "CCPA"), which provides individuals domiciled in California the right to, among other things, request their collected personal information, including postal addresses, be deleted by entities subject to the regulation and opt out of the sale of personal information by such entities to third parties. Violators risk injunctions and civil penalties of up to $2,500 for *each* violation and up to $7,500 for *each intentional* violation. Cal. Civ. Code § 1798.155. The CCPA applies to all for-profit entities doing business in California that collect and process consumers' personal data and satisfy one of the following criteria: (a) annual gross revenue in excess of $25 million; (b) buys, shares, receives, or sells the personal information of more than 100,000 consumers, households, or devices for commercial purposes; or (c) receives 50% or more of their annual revenues from selling consumers' personal information. Cal. Civ. Code § 1798.140(d)(1).[8]

[8] *See also* Virginia Consumer Data Protection Act Va. Code §§ 59.1-575-59.1-585 (effective on Jan. 1, 2023), the Connecticut Act Concerning Personal Data Privacy and Online Monitoring, Public Act § 22-15 (effective on July 1, 2023), the Colorado Privacy Act, Colo. Rec. Stat. § 6-1 (effective on July 1, 2023), the Utah Consumer Privacy Act, Utah Code § 13-61 (effective on Dec. 31, 2023), the Florida Digital Bill of Rights, Fla. Stat. § 501.701 (effective on July 1, 2024), the Oregon Consumer Privacy Act, Or. Rev. Stat. § 1.13 (effective on Jan. 1, 2024), the Montana Consumer Data Privacy Act, Mont. Code Ann. § 35 (effective on Oct. 1, 2024), the Iowa Data Privacy Law, Iowa Code § 715D.1 (effective on Jan. 1, 2025), the New Hampshire Privacy Law, N.H. Rev. Stat. § 507-H:1 (effective on Jan. 1, 2025), the Nebraska Data Privacy Act, Neb. Rev. Stat. §§ 87-1101 to 87-1130 (effective on Jan. 1, 2025), the New Jersey Data Privacy Act, N.J. Rev. Stat. § 56:1 (effective on Jan. 15, 2025), the Tennessee Information Protection Act, Tenn. Code Ann. § 47-18 (effective on July 1, 2025), the Minnesota Consumer Data Privacy Act, Min. Stat. Ann. § 325O (effective on July 31, 2025), the Maryland Online Data Privacy Act, Md. Commercial Law Code § 14-4701 (effective on Oct. 1, 2025), the Rhode Island Data Transparency and Privacy Protection Act, R.I. Gen. Laws § 6-48.1-1 (effective on Jan. 1, 2026), the Indiana Data

22. For these reasons, the Debtors respectfully submit that cause exists to authorize the Debtors to redact from the Creditor Matrix, the Schedules and Statements, the Equity Holders List, and any other document filed with the Court, as applicable, in these chapter 11 cases, individuals' home and email addresses because such information could be used to perpetrate identity theft or stalking. With millions of individual parties to be noticed in these chapter 11 cases, the Debtors cannot reasonably know with sufficient certainty whether a release of such individuals' personal information could potentially jeopardize their safety. Nothing requested herein is intended to preclude a party in interest's right to file a motion requesting that the Court unseal the information redacted by the Interim Order and the Final Order.

23. The Debtors will, on a confidential basis, make the unredacted version of the Creditor Matrix, the Schedules and Statements, the Equity Holders List, and any other applicable filings redacted pursuant to the Interim Order and the Final Order available upon request to the Court, the U.S. Trustee, counsel to any official committee appointed in these chapter 11 cases, and to the Claims and Noticing Agent. The unredacted versions of the Creditor Matrix, the Schedules and Statements, the Equity Holders List, and any other applicable filings redacted pursuant to the Interim Order and the Final Order shall not be made available to any other party without the consent of the Debtors or further order of the Court. Nothing requested herein is intended to preclude a party in interest's right to file a motion requesting that the Court unseal the information redacted by the Interim Order and the Final Order. The Debtors propose that the Claims and Noticing Agent undertake all service on any party whose identity and/or address is redacted pursuant to the Interim Order and the Final Order.

Privacy Law, Ind. Code § 24-15 (effective on Jan. 1, 2026), and the Kentucky Consumer Data Protection Act, Ky. Rev. Stat. Ann. § 367.3611 (effective on Jan. 1, 2026).

III. Special Electronic Noticing Procedures Is Appropriate and Should Be Permitted

24. Bankruptcy Rule 2002 establishes the general rule for notifying creditors in chapter 11 cases. Specifically, Bankruptcy Rule 2002 proscribes the form and timing of notices to be sent to parties in interest in chapter 11 cases. Fed. R. Bankr. P. 2002(a). Although the Bankruptcy Rules generally require notices to be served on creditors at their addresses, they give significant latitude to bankruptcy courts for modifying the general rule. *See* Fed R. Bankr. P. 2002(m) and 9007. Bankruptcy courts have explicit authority to "enter orders designating the matters in respect to which, the entity to whom, and the form and manner in which notices shall be sent . . .." Fed. R. Bankr. P. 2002(m).

25. In complex chapter 11 cases in this district, courts have permitted debtors to provide email service to creditors. *See, e.g.*, *In re Marelli Auto. Lighting USA LLC*, No. 25-11034 (CTG) (Bankr. D. Del. July 16, 2025) (authorizing the debtors to serve all pleadings and papers via email, except when a party (i) filed or designated a mailing address under Bankruptcy Rules 2002(g)(l) or 5003(e), and (ii) requested hard copy U.S. first class mail service); *In re At Home Grp. Inc.*, 25-11120 (JKS) (Bankr. D. Del. July 11, 2025) (same); *In re JOANN Inc.*, No. 25-10068 (CTG) (Bankr. D. Del. Feb. 10, 2025) (same); *In re Am. Tire Distribs., Inc.*, No. 24-12391 (CTG) (Bankr. D. Del. Nov. 18, 2024) (same); *In re Accuride Corp.*, No. 24-12289 (JKS) (Bankr. D. Del. Nov. 1, 2024) (same).

26. As set forth in the First Day Declaration and above, the Debtors are a leader in the boat and boat supply industry. In connection with their operations, the Debtors service millions of Customers,[9] employ thousands of individuals, and transact with thousands of parties who may

[9] The Customers are comprised of individual Customers and professional Customers. A more detailed description of the Debtors' Customer programs is set forth in the *Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Maintain and Administer Their Customer Programs and (B) Honor Certain*

have claims in these chapter 11 cases (collectively, with the Customers, the "Electronic Notice Parties"). The Electronic Notice Parties may require service of various pleadings or other documents in these chapter 11 cases. By this Motion, the Debtors seek authority to continue their consensual prepetition practice and provide electronic service of any and all notices, documents, and pleadings filed in these chapter 11 cases that are required to be served on the Electronic Notice Parties (the "Filings") by email, where available, which will reduce the cost and administrative burdens associated with providing such parties with traditional means of service, reduce delay in providing notice, and provide the Debtors' estates with significant cost savings. The Debtors seek authority, but not direction, to provide Customers with notice of the Filings by email, where available, upon entry of the Interim Order[10] and to provide all parties listed on the Creditor Matrix with notice by email, where available, subject to entry of the Final Order.

27. If the Debtors were to provide actual notice of the Filings to all Electronic Notice Parties, the costs would be astronomical. With the assistance of the Claims and Noticing Agent, the Debtors determined that serving a ten-page document on the Electronic Notice Parties via traditional mail will cost the Debtors approximately $4,000,000.00 per mailing.

Prepetition Obligations Related Thereto; (II) Authorizing Banks to Honor And Process Checks and Transfers Related to Such Obligations; and (III) Granting Related Relief, filed concurrently herewith.

[10] The Debtors do not believe Customers are creditors of the Debtors solely on the basis that they have shopped at the Debtors' store locations or online platforms. Moreover, individual Customers have the option to provide the Debtors with their contact information but are not required to do so. In almost all, if not all, instances, those who do provide the Debtors with such information solely provide an email address. As a result, the Debtors' books and records contain email addresses for most, but not all, of the individual Customers, and do not contain such Customers' mailing addresses. Through this Motion, the Debtors seek authority, but not direction, to provide individual Customers for whom the Debtors have emails in their books and records with notice of the following Filings: (i) the commencement of these chapter 11 cases and the first meeting of creditors pursuant to section 341 of the Bankruptcy Code; (ii) any deadline for filing proofs of claim pursuant to Bankruptcy Rule 3003; (iii) any deadline to object to final approval of a disclosure statement and confirmation of a plan of reorganization and the hearing thereon; and (iv) a proposed sale of all or substantially all of the Debtors' assets on a going concern basis. The Debtors reserve the right not to serve Filings on Customers, including individual and professional Customers, to the extent that such Customers are not creditors.

28. Furthermore, in the ordinary course of their business, the Debtors communicate with their Electronic Notice Parties primarily through electronic means, and such parties have expressly consented to receiving communications from the Debtors electronically. The Debtors' terms and conditions, which all Electronic Notice Parties acknowledge and agree to, state:

> The communications between you and West Marine use electronic means . . . . For contractual purposes, you (1) consent to receive communications from West Marine in an electronic form; and (2) agree that all terms and conditions, agreements, notices, disclosures, and other communications that West Marine provides to you electronically satisfy any legal requirement that such communications would satisfy if it were to be in writing.[11]

Thus, not only will providing the Electronic Notice Parties with traditional forms of notice be unduly burdensome and cost prohibitive—resulting in the Debtors incurring millions of dollars in service costs—but the Electronic Notice Parties traditionally receive communications from the Debtors by email and may not be expecting to receive important communications by traditional forms of mail, thereby increasing the need to provide notice to such parties electronically.

29. Consequently, given the excessive costs of mailing notices to the Electronic Notice Parties, and because the Debtors communicate with the Electronic Notice Parties by email in the ordinary course of business, the Debtors believe that the Electronic Notice Parties will expect to receive notice from the Debtors electronically and that such measures will provide an efficient and effective means of service. The Debtors, together with the Claims and Noticing Agent, have established the case website located at https://www.veritaglobal.net/westmarine, where, among other things, electronic copies of all pleadings, including the Filings, filed in these chapter 11 cases shall be posted as soon as practicable, and may be viewed free of charge.

[11] *See Terms of Use*, https://www.westmarine.com/customerservice/Terms-Of-Use (last visited May 17, 2026).

30. Accordingly, the Debtors request authority, but not direction, to serve all Filings by email, where available, on the Customers upon entry of the Interim Order and upon the Electronic Notice Parties upon entry of the Final Order, except when a party to be served has (a) a mailing address in the Debtors' books and records and files or has designated a mailing address under Bankruptcy Rules 2002(g)(l) or 5003(e) and (b) requested hard copy U.S. first class mail service, in which case, such party shall be served by mail at such mailing address. Further, if notice is provided to any of the Electronic Notice Parties by hard copy U.S. first class mail service, the Debtors request authority, but not direction, to provide such notice in a form and manner not to exceed one page if such notice includes a website URL that links directly to the document(s) to which such notice relates. Implementation of the procedures requested herein is appropriate in these chapter 11 cases and well within the Court's authority under the Bankruptcy Rules and equitable powers under section 105(a) of the Bankruptcy Code.

Compliance with Local Rule 9018-1(d)(iv)

31. To the best of the Debtors' undersigned proposed counsel's knowledge, information, and belief, the documents that the Debtors are requesting to seal pursuant to the relief requested in this Motion do not contain information subject to the confidentiality rights held or asserted by another party.

Notice

32. The Debtors will provide notice of this Motion to the following parties or their respective counsel: (a) the U.S. Trustee; (b) the holders of the thirty (30) largest unsecured claims against the Debtors (on a consolidated basis); (c) counsel to Eclipse, as ABL Agent and FILO agent; (d) counsel to Wilmington Savings Fund Society, FSB, as Term Loan Agent; (e) counsel to the Consenting Stakeholders; (f) the office of the attorney general for each of the states in which the Debtors operate; (g) the United States Attorney's Office for the District of Delaware; (h) the

Internal Revenue Service; and (i) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Debtors will serve copies of this Motion and an order entered in respect of this Motion as required by Local Rule 9013-1(m). In light of the nature of the relief requested herein, the Debtors submit that no other or further notice is necessary.

[Remainder of Page Intentionally Left Blank]

WHEREFORE, the Debtors respectfully request entry of the Interim Order and the Final Order, substantially in the forms attached hereto as **Exhibit A** and **Exhibit B,** (a) granting the relief requested herein and (b) such other and further relief as is just and proper.

Dated: May 17, 2026
Wilmington, Delaware

/s/ Shella Borovinskaya

YOUNG CONAWAY STARGATT & TAYLOR, LLP
Michael R. Nestor (Del. No. 3526)
Kara Hammond Coyle (Del. No. 4410)
Shella Borovinskaya (Del. No. 6758)
Kristin L. Cardoza (Del. No. 6871)
Rodney Square
1000 North King Street
Wilmington, Delaware 19801
Telephone: (302) 571-6600
Facsimile: (302) 571-1253
Email: mnestor@ycst.com
kcoyle@ycst.com
sborovinskaya@ycst.com
kcardoza@ycst.com

Proposed Co-Counsel for the Debtors and Debtors in Possession

KIRKLAND & ELLIS LLP
KIRKLAND & ELLIS INTERNATIONAL LLP
Joshua A. Sussberg, P.C.
Matthew C. Fagen, P.C. (*pro hac vice* pending)
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
Email: matthew.fagen@kirkland.com

-and-

KIRKLAND & ELLIS LLP
KIRKLAND & ELLIS INTERNATIONAL LLP
Brian J. Nakhaimousa (*pro hac vice* pending)
830 Brickell Plaza
Miami, Florida 33131
Telephone: (305) 432-5600
Email: brian.nakhaimousa@kirkland.com

Proposed Co-Counsel for the Debtors and Debtors in Possession

EXHIBIT A

Interim Order

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
WEST MARINE, INC., *et al.*,[1]	)	Case No. 26-10794 (___)
Debtors.	)	(Jointly Administered)
	)	**Re: Docket No. _**

INTERIM ORDER (I) AUTHORIZING THE DEBTORS TO (A) REDACT CERTAIN CONFIDENTIAL INFORMATION OF CUSTOMERS AND (B) REDACT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION OF INDIVIDUALS, (II) AUTHORIZING ELECTRONIC NOTICING PROCEDURES, AND (III) GRANTING RELATED RELIEF

Upon the motion (the "Motion")[2] of the above-captioned debtors and debtors in possession (collectively, the "Debtors") for entry of an order (this "Interim Order") (i) authorizing the Debtors to (a) redact certain confidential information of Customers and (b) redact certain personally identifiable information of individuals from their Creditor Matrix, Schedules and Statements, Equity Holders List, and any other document filed with this Court, (ii) authorizing electronic noticing procedures, and (iii) granting related relief, all as more fully set forth in the Motion; and upon the First Day Declaration; and the United States District Court for the District of Delaware having jurisdiction over this matter pursuant to 28 U.S.C. § 1334, which was referred to this Court under 28 U.S.C. § 157 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

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: West Marine, Inc. (5502); Marine One Holdco, LLC (2231); Marine One Parent, Inc. (0402); Rising Tide Holdings Inc. (2628); Rising Tide Parent Inc. (6153); Seascapes, Inc. (3739); W Marine Management Company, Inc. (4151); and West Marine Products, Inc. (4523). For purposes of these chapter 11 cases, the Debtors' service address is West Marine Headquarters, 1 East Broward Blvd., Suite 200, Fort Lauderdale, FL 33301.

[2] Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that it may enter this Interim 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 this Court having found that the Debtors' notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court (the "Hearing"); and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; 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 in this Interim Order.

2. The final hearing (the "Final Hearing") on the Motion shall be held on _____, 2026, at__:__ _.m., (prevailing Eastern Time). Any objections or responses to entry of a final order on the Motion shall be filed on or before 4:00 p.m. (prevailing Eastern Time) on _____, 2026 and shall be served on: (a) the Debtors, West Marine, Inc., 1 East Broward Blvd., Suite 200, Fort Lauderdale, Florida 33301, Attn.: Paulee Day, Chief Executive Officer; (b) proposed counsel to the Debtors, (i) Kirkland & Ellis LLP, 601 Lexington Avenue, New York, New York 10022, Attn.: Matthew C. Fagen, P.C. (matthew.fagen@kirkland.com); (ii) Kirkland & Ellis LLP, 830 Brickell Plaza, Miami, Florida 33131, Attn.: Brian J. Nakhaimousa (brian.nakhaimousa@kirkland.com) and Trevor Eck (trevor.eck@kirkland.com); and (iii) Young Conaway Stargatt & Taylor, LLP, Rodney Square, 1000 North King Street, Wilmington, Delaware 19801, Attn.: Michael R. Nestor (mnestor@ycst.com), Kara Hammond Coyle

(kcoyle@ycst.com), Shella Borovinskaya (sborovinskaya@ycst.com), and Kristin L. Cardoza (kcardoza@ycst.com); (c) counsel to Eclipse, as ABL Agent and FILO Agent, (i) Riemer Braunstein LLP, Times Square Tower, Suite 2506, Seven Times Square, New York, New York 10036, Attn: Lyle Stein (lstein@riemerlaw.com), Emily Lustbader (elustbader@riemerlaw.com), and Steven Fox (sfox@riemerlaw.com); and (ii) Ashby & Geddes, P.A., 500 Delaware Avenue, 8th Floor, Wilmington, Delaware 19801, Attn: Gregory A. Taylor (gtaylor@ashbygeddes.com); (d) counsel to the Consenting Stakeholders, (i) Otterbourg P.C., 230 Park Avenue, New York, New York 10169, Attn: Daniel F. Fiorillo (dfiorillo@otterbourg.com) and Nicholas Palazzolo (npalazzolo@otterbourg.com); (ii) Milbank LLP, 55 Hudson Yards, New York, New York 10001, Attn: Matthew Brod (mbrod@milbank.com) and Benjamin Schak (bschak@milbank.com); and (iii) Richards, Layton, & Finger, P.A., One Rodney Square, 920 North King Street, Wilmington, Delaware 19801, Attn: Michael J. Merchant (merchant@rlf.com); (e) the Office of the United States Trustee for the District of Delaware, 844 King Street, Suite 2207, Lockbox 35, Wilmington, Delaware 19801, Attn.: Linda Casey (linda.casey@usdoj.gov); and (f) any statutory committee appointed in these chapter 11 cases. If no objections are filed to the Motion, this Court may enter an order approving the relief requested in the Motion on a final basis without further notice or hearing.

3. Any objections to the entry of this Interim Order, to the extent not withdrawn or settled, are overruled.

4. The Debtors are authorized, on an interim basis, pursuant to section 107(b)(1) of the Bankruptcy Code, to redact the names, physical addresses, and email addresses of their Customer List from any filings with this Court or made publicly available in these chapter 11 cases. The Debtors shall provide, on a confidential basis and upon request, an unredacted version of the

Customer List and any related filings that are redacted pursuant to this Interim Order to this Court, the Claims and Noticing Agent, the U.S. Trustee, counsel to the Consenting Stakeholders, and counsel to any official committee appointed in these chapter 11 cases. The unredacted version of the Customer List and any related filings that are redacted pursuant to this Interim Order shall not be made available to any other party without the consent of the Debtors or further order of this Court. For the avoidance of doubt, and notwithstanding any other provision of this Interim Order to the contrary, nothing herein shall prohibit or forbid the U.S. Trustee from publicly identifying members of any official committee(s) appointed in these chapter 11 cases. Nothing in this Interim Order exempts any customer, creditor, or equity security holder from compliance with Bankruptcy Rule 2019. Nothing in this Interim Order prohibits any customer, creditor, or equity security holder from voluntarily identifying itself in connection with these chapter 11 cases, or voluntarily disclosing any of its contact information.

5. The Debtors are authorized, on an interim basis, pursuant to section 107(c)(1) of the Bankruptcy Code, to redact on the Creditor Matrix, the Schedules and Statements, the Equity Holders List, affidavits of service, and any other documents filed in these chapter 11 cases, individuals' home and email addresses. The Debtors shall provide, on a confidential basis and upon request, an unredacted version of the Creditor Matrix, the Schedules and Statements, the Equity Holders List, and any other filings redacted pursuant to this Interim Order to this Court, the Debtors' Claims and Noticing Agent, the U.S. Trustee, counsel to the Consenting Stakeholders, and counsel to any official committee appointed in these chapter 11 cases. The unredacted versions of the Creditor Matrix, the Schedules and Statements, the Equity Holders List, and any other filings redacted pursuant to this Interim Order shall not be made available to any other party without the consent of the Debtors or further order of this Court.

6. Nothing herein precludes a party in interest's right to file a motion requesting that this Court unseal the information redacted by this Interim Order.

7. The Debtors shall file a redacted version of the Creditor Matrix, the Schedules and Statements, the Equity Holders List, or any other document filed with this Court, as well as post it on the Debtors' Claims and Noticing agent's website.

8. For the avoidance of doubt, to the extent not already done, the Debtors shall file an unredacted Creditor Matrix under seal with this Court

9. To the extent a party in interest files a document on the docket in these chapter 11 cases that is required to be served on creditors whose information is under seal pursuant to this Interim Order, such party in interest should contact proposed counsel for the Debtors, who shall work in good faith, with the assistance of the Claims and Noticing Agent, to effectuate the service on such party's behalf.

10. When serving any notice in these chapter 11 cases on any individual person, the Claims and Noticing Agent, and, where applicable, the Clerk of the Court, shall use such person's residential address. Nothing in this Interim 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 Interim Order. Service of all documents and notices upon individual persons whose residential address and/or email address is redacted pursuant to this Interim Order shall be made to their residential addresses and confirmed in the corresponding certificate of service.

11. The service requirements of Bankruptcy Rule 2002(g) are modified for purposes of serving the notices set forth in Bankruptcy Rule 2002 and other motions or applications to be served on Customers during the interim period to permit and authorize the Debtors, through their

Claims and Noticing Agent, to serve all pleadings and papers, via email, on all Customers, except when a Customer to be served (a) has known prepetition claims against the Debtors or (b) both (i) has a mailing address in the Debtors' books, records and files or has designated a mailing address under Bankruptcy Rules 2002(g)(l) or 5003(e) and (ii) has requested hard copy U.S. first class mail service, in which case, such party shall be served by mail at such mailing address; *provided*, that the Debtors are excused from serving pleadings and papers upon Customers to the extent that such Customers are not creditors. Nothing in this Interim Order prevents the Debtors from additionally serving any party by email in addition to the methods of service set forth in Bankruptcy Rule 9036.

12. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion, and the requirements of the Bankruptcy Rules and the Local Rules are satisfied by such notice.

13. Notwithstanding anything to the contrary in the Bankruptcy Code, the Bankruptcy Rules, or the Local Rules, the terms and conditions of this Interim Order are immediately effective and enforceable upon its entry.

14. The Debtors and the Claims and Noticing Agent are hereby authorized to take all actions necessary to effectuate the relief granted in this Interim Order in accordance with the Motion.

15. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Interim Order.

EXIBIT B

Final Order

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
WEST MARINE, INC., *et al.*,[1]	)	Case No. 26-10794 (___)
Debtors.	)	(Jointly Administered)
	)	**Re: Docket Nos. _ & _**

FINAL ORDER (I) AUTHORIZING THE DEBTORS TO (A) REDACT CERTAIN CONFIDENTIAL INFORMATION OF CUSTOMERS AND (B) REDACT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION OF INDIVIDUALS, (II) AUTHORIZING ELECTRONIC NOTICING PROCEDURES, AND (III) GRANTING RELATED RELIEF

Upon the motion (the "Motion")[2] of the above-captioned debtors and debtors in possession (collectively, the "Debtors") for entry of an order (this "Final Order") (i) authorizing the Debtors to (a) redact certain confidential information of Customers and (b) redact certain personally identifiable information of individuals from their Creditor Matrix, Schedules and Statements, Equity Holders List, and any other document filed with this Court, (ii) authorizing electronic noticing procedures, and (iii) 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 the United States District Court for the District of Delaware having jurisdiction over this matter pursuant to 28 U.S.C. § 1334, which was referred to this Court under 28 U.S.C. § 157 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29,

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: West Marine, Inc. (5502); Marine One Holdco, LLC (2231); Marine One Parent, Inc. (0402); Rising Tide Holdings Inc. (2628); Rising Tide Parent Inc. (6153); Seascapes, Inc. (3739); W Marine Management Company, Inc. (4151); and West Marine Products, Inc. (4523). For purposes of these chapter 11 cases, the Debtors' service address is West Marine Headquarters, 1 East Broward Blvd., Suite 200, Fort Lauderdale, FL 33301.

[2] Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

2012; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that it 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 this Court having found that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Debtors' notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court (the "Hearing"), if any; and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted as set forth in this Final Order.

2. Any objections to the entry of this Final Order, to the extent not withdrawn or settled, are overruled.

3. The Debtors are authorized, on a final basis, pursuant to section 107(b)(1) of the Bankruptcy Code, to redact the names, physical addresses, and email addresses of their Customer List from any filings with this Court or made publicly available in these chapter 11 cases. The Debtors shall provide, on a confidential basis and upon request, an unredacted version of the Customer List and any related filings that are redacted pursuant to this Final Order to this Court, the Claims and Noticing Agent, the U.S. Trustee, counsel to the Consenting Stakeholders, and counsel to any official committee appointed in these chapter 11 cases. The unredacted version of

the Customer List and any related filings that are redacted pursuant to this Final Order shall not be made available to any other party without the consent of the Debtors or further order of this Court. For the avoidance of doubt, and notwithstanding any other provision of this Final Order to the contrary, nothing herein shall prohibit or forbid the U.S. Trustee from publicly identifying members of any official committee(s) appointed in these chapter 11 cases. Nothing in this Final Order exempts any customer, creditor, or equity security holder from compliance with Bankruptcy Rule 2019. Nothing in this Final Order prohibits any customer, creditor, or equity security holder from voluntarily identifying itself in connection with these chapter 11 cases, or voluntarily disclosing any of its contact information.

4. The Debtors are authorized, on a final basis, pursuant to section 107(c)(1) of the Bankruptcy Code, to redact on the Creditor Matrix, the Schedules and Statements, the Equity Holders List, affidavits of service, and any other documents filed in these chapter 11 cases, individuals' home and email addresses. The Debtors shall provide, on a confidential basis and upon request, an unredacted version of the Creditor Matrix, the Schedules and Statements, the Equity Holders List, and any other filings redacted pursuant to this Final Order to this Court, the Debtors' Claims and Noticing Agent, the U.S. Trustee, counsel to the Consenting Stakeholders, and counsel to any official committee appointed in these chapter 11 cases. The unredacted versions of the Creditor Matrix, the Schedules and Statements, the Equity Holders List, and any other filings redacted pursuant to this Final Order shall not be made available to any other party without the consent of the Debtors or further order of this Court.

5. Nothing herein precludes a party in interest's right to file a motion requesting that this Court unseal the information redacted by this Final Order.

6. The Debtors shall file a redacted version of the Creditor Matrix, the Schedules and Statements, the Equity Holders List, or any other document filed with this Court, as well as post it on the Debtors' Claims and Noticing agent's website.

7. For the avoidance of doubt, to the extent not already done, the Debtors shall file an unredacted Creditor Matrix under seal with this Court.

8. To the extent a party in interest files a document on the docket in these chapter 11 cases that is required to be served on creditors whose information is under seal pursuant to this Final Order, such party in interest should contact proposed counsel for the Debtors, who shall work in good faith, with the assistance of the Claims and Noticing agent, to effectuate the service on such party's behalf.

9. When serving any notice in these chapter 11 cases on any individual person, the Claims and Noticing Agent, and, where applicable, the Clerk of the Court, shall use such person's residential address. Nothing in this Final 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 Final Order. Service of all documents and notices upon individual persons whose residential address and/or email address is redacted pursuant to this Final Order shall be made to their residential addresses and confirmed in the corresponding certificate of service.

10. The service requirements of Bankruptcy Rule 2002(g) are modified to permit and authorize the Debtors, through their Claims and Noticing Agent, to serve all pleadings and papers, via email, except when a party to be served both (a) has a mailing address in the Debtors' books, records and files or has designated a mailing address under Bankruptcy Rules 2002(g)(l) or 5003(e), and (b) has requested hard copy U.S. first class mail service, in which case, such party

shall be served by mail at such mailing address; *provided*, that the Debtors are excused from serving pleadings and papers upon Customers to the extent that such Customers are not creditors. This Final Order does not authorize service by email of any complaint or other pleading filed in an adversary proceeding, unless the party to be served consents to email service of the applicable document(s). Nothing in this Final Order prevents the Debtors from additionally serving any party by email in addition to the methods of service set forth in Fed. R. Bank. P. 9036. If notice is provided to any party by hard copy U.S. first class mail service in accordance with this paragraph, such notice need not exceed one page if it includes a website URL that links directly to the document(s) to which such notice relates.

11. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion, and the requirements of the Bankruptcy Rules and the Local Rules are satisfied by such notice.

12. Notwithstanding anything to the contrary in the Bankruptcy Code, the Bankruptcy Rules, or the Local Rules, the terms and conditions of this Final Order are immediately effective and enforceable upon its entry.

13. The Debtors and the Claims and Noticing Agent are hereby authorized to take all actions necessary to effectuate the relief granted in this Final Order in accordance with the Motion.

14. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Final Order.