

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 11
)	
MONTESQUIEU, INC., <u>et al.</u> , ¹)	Case No. 19-10599 (BLS)
)	
Debtors.)	Joint Administration Requested
)	

**MOTION OF THE DEBTORS FOR ENTRY OF AN ORDER AUTHORIZING
DEBTORS TO FILE UNDER SEAL PORTIONS OF ITS CREDITOR MATRIX
CONTAINING CERTAIN INDIVIDUAL CREDITOR INFORMATION**

Montesquieu, Inc. and certain of its affiliates, as debtors and debtors in possession (collectively, the “Debtors”), by and through their undersigned proposed counsel, file this motion (this “Motion”) for the entry of an order (the “Order”), substantially in the form attached hereto as Exhibit A, (a) authorizing the Debtors to file a redacted version of its creditor matrix, filed contemporaneously herewith, (b) authorizing the Debtors to file under seal an unredacted version of its creditor matrix, and (c) granting such other relief as the Court deems just and proper.. In support of this Motion, the Debtors respectfully state as follows:²

JURISDICTION

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (M). The Debtors consent, pursuant to Rule 7008 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 9013-1(f) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), to the entry of a final

¹ The Debtors and the last four digits of their respective taxpayer identification numbers include: Montesquieu, Inc. (8069), WG Best Weinkellerie, Inc. dba Montesquieu Winery (California) (0458) and Montesquieu Corp. (California) (4025). The headquarters and service address for the above-captioned Debtors is 8221 Arjons Drive, San Diego, California 92126.

² The facts and circumstances supporting this Motion are set forth in the Declaration of Fonda Hopkins in Support of Debtors' Chapter 11 Petitions and First Day Motions (the “First Day Declaration”), filed contemporaneously herewith.

order by the Court in connection with this Motion if 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 this proceeding and this Motion is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory bases for the relief sought in the Motion are sections 107(c) and 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the “Bankruptcy Code”). The relief requested in the Motion also is predicated upon Local Rule 9018-1(d).

BACKGROUND

4. On March 20, 2019 (the “Petition Date”), the Debtors filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code. The Debtors continue to operate their businesses and property as debtors-in-possession in accordance with sections 1107 and 1108 of the Bankruptcy Code.

5. No party has requested the appointment of a trustee or examiner in these chapter 11 cases, and no committees have been appointed.

6. The factual background relating to the commencement of this Chapter 11 case is set forth in detail in the Declaration of Fonda Hopkins in Support of First Day Motions (the “Hopkins Declaration”), are incorporated herein by reference.

RELIEF REQUESTED

7. By this Motion, the Debtors seek entry of the Proposed Order (a) authorizing the Debtors to file a redacted version of the creditor matrix, (b) authorizing the Debtors to file under seal an unredacted version of the creditor matrix, and (c) granting such other and further relief as the Court deems just and proper.

BASIS FOR RELIEF

8. The relief requested by the Debtors is authorized under Bankruptcy Code sections 105(a) and 107(c)(1). Bankruptcy Code section 105(a) provides that “[t]he court may issue an order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a). Bankruptcy Code section 107(c) 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 . . . contained in a paper filed, or to be filed in a case under” the Bankruptcy Code. 11 U.S.C. § 107(c)(1)(A).

9. Local Rule 9018-1(d) requires any party who seeks to file documents under seal to file a motion to that effect. Del. Bankr. L.R. 9018-1(d).

10. The Debtors respectfully submit that cause exists to authorize the Debtors to redact the address information of individual creditors – many of whom are the Debtors’ employees – from the creditor matrix because such information could be used to perpetrate identity theft. Therefore, the Debtors request that the Court enter an order permitting the Debtors to file the creditor matrix under seal.

NOTICE

11. The Debtors have provided notice of the Motion to: (a) the Office of the United States Trustee for the District of Delaware; (b) the entities holding the largest unsecured claims; (c) counsel to the agent for the Debtors’ prepetition secured lenders; (d) the Internal Revenue Service; (e) the Securities and Exchange Commission; (f) the Delaware Secretary of State; (g) the Delaware Secretary of Treasury; (h) the California Secretary of State; and (i) the California State Treasurer’s Office. In light of the nature of the relief requested, the Debtors respectfully submit that no further notice is necessary.

NO PRIOR REQUEST

12. No prior request for the relief sought in this Motion has been made to this or any other court.

Wherefore, for the reasons set forth herein and in the First Day Declaration, the Debtors respectfully request that the Court enter an order, substantially in the form attached hereto as Exhibit A, granting the relief requested herein and granting such other and further relief as is just and proper.

Dated: March 20, 2019

FOX ROTHSCHILD LLP

/s/ Thomas M. Horan

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*Proposed Counsel to the Debtors and
Debtors-in-Possession*

EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
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In re:)	Chapter 11
)	
MONTESQUIEU, INC., <u>et al.</u> , ¹)	Case No. 19-10599 (BLS)
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Debtors.)	Joint Administration Requested
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**ORDER GRANTING MOTION OF THE DEBTORS FOR ENTRY OF AN ORDER
AUTHORIZING DEBTORS TO FILE UNDER SEAL PORTIONS OF THEIR
CREDITOR MATRIX CONTAINING CERTAIN INDIVIDUAL CREDITOR
INFORMATION**

Upon the motion (the “Motion”)² of Montesquieu, Inc. and certain of its affiliates, as debtors and debtors in possession (collectively, the “Debtors”), for entry of an order (this “Order”) authorizing the debtors to file under seal portions of their creditor matrix, all as more fully set forth in the Motion; and upon the First Day Declaration; and the Court having found that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the 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 the 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 it appearing that notice of the Motion has been given as set forth in the Motion and that such notice is adequate under the circumstances; and the Court having reviewed the Motion and having heard the statements in support of the relief requested therein before the Court (the “Hearing”); and the Court having determined that the legal and factual bases set forth in the

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

Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before the Court; 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 Bankruptcy Code section 107(c) and Local Rule 9018-1, the Debtors are authorized to file under seal an unredacted version of its creditor matrix.
3. The Clerk of Court is directed to file and maintain the unredacted creditor matrix under seal and shall not make it publicly available. The unredacted creditor matrix shall not be unsealed unless and until permitted by further order of this Court.
4. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.
5. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: _____, 2019

The Honorable Brendan Linehan Shannon
United States Bankruptcy Judge