

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

FOOD52, INC.,<sup>1</sup>

Debtor.

Chapter 11

Case No. 25-12277 (LSS)

**Hearing Date:**  
January 22, 2026 at 10:30 a.m. (ET)

**Objection Deadline:**  
January 15, 2026 at 4:00 p.m. (ET)

**DEBTOR’S MOTION FOR ENTRY OF AN ORDER (I) AUTHORIZING THE DEBTOR TO REDACT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION FROM THE CREDITOR MATRIX, EQUITY HOLDERS LIST, SCHEDULES AND STATEMENTS, AND OTHER SIMILAR PLEADINGS, AND (II) GRANTING RELATED RELIEF**

The above-captioned debtor and debtor in possession (the “**Debtor**”) hereby submits this motion (this “**Motion**”) for the entry of an order, substantially in the form attached hereto as **Exhibit A** (the “**Proposed Order**”), pursuant to section 107(b) of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “**Bankruptcy Code**”), Rule 9018 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Rule 9018-1(d) of the Local Rules of the United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”), (i) authorizing the Debtor to redact from its creditor matrix (the “**Creditor Matrix**”), equity holders list (the “**Equity Holders List**”), schedules of assets and liabilities and statements of financial affairs (the “**Schedules and Statements**”), and other similar documents, certain personally identifiable information for current and former employees, directors, individual equity holders, and any other individuals and (ii) granted related relief. In support of this Motion, the Debtor respectfully states as follows:

<sup>1</sup> The Debtor in this chapter 11 case is Food52, Inc. and the last four digits of the Debtor’s federal tax identification number are 2604. For the purpose of this chapter 11 case, the Debtor’s service address is 1 Dock 72 Way, 13th Floor, Brooklyn, New York 11205.



### **JURISDICTION AND VENUE**

1. The United States Bankruptcy Court for the District of Delaware (the “**Court**”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated as of February 29, 2012 (the “**Amended Standing Order**”). This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and the Court may enter a final order consistent with Article III of the United States Constitution. Venue is proper in the Court pursuant to 28 U.S.C. §§ 1408 and 1409. Pursuant to Local Rule 9013-1(f), the Debtor consents to the entry of a final judgment or order with respect to this Motion if it is determined that the Court would lack Article III jurisdiction to enter such final judgment or order absent consent of the parties.

2. The statutory and legal predicates for the relief requested herein are section 107(b) of the Bankruptcy Code, Bankruptcy Rule 9018, and Local Rule 9018-1(d).

### **BACKGROUND**

3. On December 29, 2025 (the “**Petition Date**”), the Debtor commenced a voluntary case under chapter 11 of the Bankruptcy Code. The Debtor is authorized to operate its businesses and manage its properties as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No official committees have been appointed in this chapter 11 case and no request has been made for the appointment of a trustee or an examiner.

4. Additional information regarding the Debtor’s businesses, its capital structure, and the circumstances leading to the filing of this chapter 11 case is set forth in the *Declaration of*

*Erika Badan in Support of Chapter 11 Petition and First Day Motions* (the “**First Day Declaration**”) [Docket No. 2].<sup>2</sup>

### **RELIEF REQUESTED**

5. By this Motion, the Debtor seeks entry of the Proposed Order (i) authorizing the Debtor to redact from its Creditor Matrix, Equity Holders List, Schedules and Statements, and other similar documents, certain personally identifiable information, including residential addresses, for current and former employees, officers, directors, customers, individual equity holders, and any other individuals (collectively, the “**Confidential Information**”), and (ii) directing that the Confidential Information not be made available to anyone without the prior written consent of the Debtor, other than the Court, the Office of the United States Trustee for the District of Delaware (the “**U.S. Trustee**”), counsel to the DIP Lender, and counsel to any official committee appointed in this chapter 11 case, provided that such parties shall maintain the Confidential Information as strictly confidential.

### **BASIS FOR RELIEF**

6. Although the public has a common law “right of access to judicial proceedings and records,” *In re Cendant Corp.*, 260 F.3d 183, 192 (3d Cir. 2001), the Bankruptcy Code requires courts, in appropriate circumstances, to protect certain information by limiting the public’s access, placing papers under seal, or otherwise entering orders to prohibit the dissemination of sensitive information. *See Cendant*, 260 F.3d 194 (the public’s right of access “is not absolute”) (quoting *Littlejohn v. BIC Corp.*, 851 F.2d 673, 678 (3d Cir. 1988)); *Leucadia, Inc. v. Applied Extrusion Tech., Inc.*, 998 F.2d 157, 165 (3d Cir. 1993) (“Although the right of access is firmly entrenched,

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<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the First Day Declaration.

so also is the correlative principle that the right is not absolute.”) (internal quotation marks omitted).

7. Indeed, in proceedings under the Bankruptcy Code, the limits on the public’s right of access are a matter of statute. *See* 11 U.S.C. § 107(b). Specifically, section 107(b) 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). Bankruptcy Rule 9018 implements section 107(b) by providing that “[o]n motion, or on its own initiative, with or without notice, the court may make any order which justice requires (1) to protect the estate or any entity in respect of a trade secret or other confidential research, development, or commercial information[.]” Fed. R. Bankr. P. 9018.

8. In addition, 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). A party filing such a motion is not required to demonstrate “good cause” to file the document under seal or make a showing of “extraordinary circumstances or compelling need.” *Video Software Dealers Ass’n v. Orion Pictures Corp. (In re Orion Pictures Corp.)*, 21 F.3d 24, 27–28 (2d Cir. 1994). Rather, if the material sought to be filed under seal falls within one of the categories identified in section 107(b) of the Bankruptcy Code, “the court is required to protect a requesting party and has no discretion to deny the application.” *Id.* at 27.

9. When determining whether sensitive information qualifies for protection under section 107(b) of the Bankruptcy Code as confidential commercial information, courts have held that such information need not rise to the level of a trade secret. *Id.* at 28 (holding that section 107(b) of the Bankruptcy Code “neither equates ‘trade secret’ with ‘commercial information’ nor requires the latter to reflect the same level of confidentiality as the former.”); *see also In re Glob.*

*Crossing Ltd.*, 295 B.R. 720, 725 (Bankr. S.D.N.Y. 2003) (recognizing that the purpose of Bankruptcy Rule 9018 is to “protect business entities from disclosure of information that could reasonably be expected to cause the entity commercial injury”). Rather, if a party can demonstrate that the sensitive information is both “confidential” and “commercial” in nature, then such information falls under the protection of section 107(b) and, accordingly, must be protected from public disclosure. *Orion Pictures*, 21 F.3d at 27; *Glob. Crossing*, 295 B.R. at 725.

10. The Debtor submits that it should be authorized to redact the personally identifiable information of its employees, officers, directors, customers, individual equity holders, and any other individuals from public filings because the disclosure of such information poses a risk to individuals and, for that reason, the information is sensitive in nature. Among other things, such information could be used to perpetrate identity theft or locate survivors of domestic violence, harassment, or stalking. Such risk is not merely speculative. In at least one recent chapter 11 case, the abusive former partner of a debtor’s employee exploited 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 for her safety.<sup>3</sup> With hundreds of creditors, the Debtor cannot reasonably know with sufficient certainty whether a release of an individual creditor or equity holder’s personal information could potentially jeopardize their safety.

11. Courts in this jurisdiction and others have granted this relief in comparable chapter 11 cases. *See, e.g., In re IronNet, Inc.*, No. 23-11710 (BLS) (Bankr. D. Del. Dec. 5, 2023) (authorizing the debtors to redact personally identifiable information, including home address

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<sup>3</sup> 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. Jul. 11, 2019) [Docket No. 4].

information, of the debtors' current and former employees, officers, directors, other individuals, and confidential information pertaining to the debtors' customers, on the schedules of assets and liabilities, statements of financial affairs, and similar documents filed with the court); *In re Stimwave Techs. Inc.*, No. 22-10541 (KBO) (Bankr. D. Del. July 13, 2022) (same); *In re Chisholm Oil & Gas Operating, LLC*, No. 20-11593 (BLS) (Bankr. D. Del. July 8, 2020) (authorizing the debtors to redact personally identifiable information, including home address information, of the debtors' individual creditors and interest holders on the creditor matrix and similar documents filed with the court); *In re Art Van Furniture, LLC*, No. 20-10553 (CSS) (Bankr. D. Del. Mar. 10, 2020) (same); *In re Melinta Therapeutics, Inc.*, No. 19-12748 (LSS) (Bankr. D. Del. Feb. 7, 2020) (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); *In re Clover Techs. Grp., LLC*, No. 19-12680 (KBO) (Bankr. D. Del. Feb. 4, 2020) (authorizing the debtors to redact personal identification information, including home address information, of all individuals on documents filed with the court, and names and address information in respect of individuals protected by the GDPR); *In re Forever 21, Inc.*, No. 19-12122 (KG) (Bankr. D. Del. Dec. 19, 2019) (same).<sup>4</sup>

12. Recently, in addition to granting the requested relief, courts in this district have also stressed the importance of authorizing debtors to redact individual creditors' personally identifiable information, including home addresses in particular. In *Anna Holdings*, in overruling the objection of the U.S. Trustee to the same redaction relief proposed here, Chief Judge Sontchi stated "it's just plain common sense in 2019—soon to be 2020—to put as little information out as

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<sup>4</sup> Because of the voluminous nature of the orders and transcripts cited herein, such orders have not been attached to this Motion. Copies of these orders and transcripts are available upon request to the Debtor's proposed counsel.

possible about people’s personal lives to [prevent] scams. . . . So, you know, it’s a real-life issue, and, of course, the issue of domestic violence is extremely important.” Hr’g Tr. at 48:20–22, 49:3–5, *In re Anna Holdings*, No. 19-12551 (CSS) (Bankr. D. Del. Dec. 3, 2019). Similarly, in *Clover Technologies*, Judge Owens overruled the U.S. Trustee’s objection to the same relief, stating:

[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). Similarly, in *Forever 21*, in overruling the U.S. Trustee’s objection, Judge Gross noted 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).

13. Notwithstanding the foregoing, the Debtor proposes to provide, on a confidential basis, unredacted versions of the Creditor Matrix, Equity Holders List, Schedules and Statements, and any other applicable filings redacted pursuant to the Proposed Order to the Court, the U.S. Trustee, counsel to the DIP Lender, counsel to any official committee appointed in this chapter 11 case, and such other parties as ordered by the Court, which will ensure that certain parties receive fully unredacted information while balancing the Debtor’s concerns about safeguarding parties’ safety and privacy.

14. In view of the foregoing, and given that there is minimal, if any, benefit to the public from publishing the personally identifiable information, the Debtor respectfully submits

that cause exists to authorize the Debtor to redact such information. Absent such relief, the Debtor would make individuals more susceptible to identity theft and potentially jeopardize their safety without any advance notice or opportunity to opt out or take protective measures.

### **CONCLUSION**

15. For the above reasons, the Debtor respectfully requests that the Court authorize the Debtor to redact the Confidential Information from its Creditor Matrix, Equity Holders List, Schedules and Statements, and other similar documents. To the extent that parties file responsive pleadings to this Motion or other pleadings that reference the Confidential Information, the Debtor respectfully requests that the Court order such parties to redact any such information without the need for further orders from the Court.

16. The undersigned counsel hereby certifies, pursuant to Local Rule 9018-1(d), that it would be futile for the Debtor to confer with the parties whose information is sought to be redacted because such information is so inherently sensitive and the proposed redactions are sufficiently narrow as to obviate the need to confer with the applicable parties about the scope and need for redaction. Additionally, in accordance with Local Rule 9018-1(d), the Debtor will file publicly viewable redacted versions of the Creditor Matrix, Equity Holders List, Schedules and Statements, and any other filings redacted in accordance with the Proposed Order.

### **NOTICE**

17. Notice of this Motion will be given to: (a) the U.S. Trustee; (b) counsel to the DIP Lender; (c) counsel to The Chernin Group; (d) counsel to Avidbank; (e) the creditors listed on the Debtor's list of twenty (20) creditors holding the largest unsecured claims against the Debtor; (f) the United States Attorney for the District of Delaware; (g) the Internal Revenue Service; (h) the state attorneys general for states in which the Debtor conducts business; and (i) all parties entitled

to notice pursuant to Bankruptcy Rule 2002. The Debtor submits that, under the circumstances, no other or further notice is required.

**WHEREFORE**, the Debtor respectfully requests entry of the Proposed Order granting the relief requested herein and such other and further relief as the Court may deem just and appropriate.

Dated: January 2, 2026  
Wilmington, Delaware

**YOUNG CONAWAY STARGATT & TAYLOR, LLP**

*/s/ Elizabeth S. Justison* \_\_\_\_\_

Michael R. Nestor (No. 3526)  
Kara Hammond Coyle (No. 4410)  
Elizabeth S. Justison (No. 5911)  
S. Alexander Faris (No. 6278)  
Andrew M. Lee (No. 7078)  
Bryna M. Gaffney (No. 7402)  
Rodney Square  
1000 N. King Street  
Wilmington, Delaware 19801  
Telephone: (302) 571-6600  
Emails: mnestor@ycst.com  
kcoyle@ycst.com  
ejustison@ycst.com  
afaris@ycst.com  
alee@ycst.com  
bgaffney@ycst.com

*Proposed Counsel for the Debtor  
and Debtor in Possession*

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

In re:

FOOD52, INC.,<sup>1</sup>

Debtor.

Chapter 11

Case No. 25-12277 (LSS)

**Hearing Date:**  
**January 22, 2026 at 10:30 a.m. (ET)**

**Objection Deadline:**  
**January 15, 2026 at 4:00 p.m. (ET)**

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that the above-captioned debtor and debtor in possession (the “**Debtor**”) has filed the attached *Debtor’s Motion for Entry of an Order (I) Authorizing the Debtor to Redact Certain Personally Identifiable Information from the Creditor Matrix, Equity Holders List, Schedules and Statements, and Other Similar Pleadings, and (II) Granting Related Relief* (the “**Motion**”) with the United States Bankruptcy Court for the District of Delaware (the “**Court**”).

**PLEASE TAKE FURTHER NOTICE** that any responses or objections to the relief requested in the Motion must be filed on or before **January 15, 2026 at 4:00 p.m. (ET)** (the “**Objection Deadline**”) with the United States Bankruptcy Court for the District of Delaware, 824 N. Market Street, 3rd Floor, Wilmington, Delaware 19801. At the same time, you must serve a copy of the objection upon the undersigned proposed counsel to the Debtor so as to be received on or before the Objection Deadline.

**PLEASE TAKE FURTHER NOTICE THAT A HEARING TO CONSIDER THE MOTION WILL BE HELD ON JANUARY 22, 2026 AT 10:30 A.M. (ET) BEFORE THE HONORABLE LAURIE SELBER SILVERSTEIN, IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE, 824 N. MARKET STREET, 6TH FLOOR, COURTROOM NO. 2, WILMINGTON, DELAWARE 19801.**

**PLEASE TAKE FURTHER NOTICE THAT, IF NO OBJECTIONS OR RESPONSES TO THE MOTION ARE TIMELY FILED, SERVED, AND RECEIVED IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED THEREIN WITHOUT FURTHER NOTICE OR A HEARING.**

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<sup>1</sup> The Debtor in this chapter 11 case is Food52, Inc. and the last four digits of the Debtor’s federal tax identification number are 2604. For the purpose of this chapter 11 case, the Debtor’s service address is 1 Dock 72 Way, 13th Floor, Brooklyn, New York 11205.

Dated: January 2, 2026  
Wilmington, Delaware

**YOUNG CONAWAY STARGATT &  
TAYLOR, LLP**

/s/ Elizabeth S. Justison

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Brynna M. Gaffney (No. 7402)

Rodney Square

1000 N. King Street

Wilmington, Delaware 19801

Telephone: (302) 571-6600

Emails: mnestor@ycst.com

kcoyle@ycst.com

ejustison@ycst.com

afaris@ycst.com

alee@ycst.com

bgaffney@ycst.com

**EXHIBIT A**

**Proposed Order**

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

In re:

FOOD52, INC.,<sup>1</sup>

Debtor.

Chapter 11

Case No. 25-12277 (LSS)

Ref. Docket No. \_\_

**ORDER (I) AUTHORIZING THE DEBTOR TO REDACT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION FROM THE CREDITOR MATRIX, EQUITY HOLDERS LIST, SCHEDULES AND STATEMENTS, AND OTHER SIMILAR PLEADINGS, AND (II) GRANTING RELATED RELIEF**

Upon consideration of the motion (the “**Motion**”)<sup>2</sup> of the Debtor for entry of an order (this “**Order**”), pursuant to section 107(b) of the Bankruptcy Code, Bankruptcy Rule 9018, and Local Rule 9018-1(d), (i) authorizing the Debtor to redact the Confidential Information from its Creditor Matrix, Equity Holders List, Schedules and Statements, and other similar documents, and (ii) directing that the Confidential Information not be made available to anyone without the prior written consent of the Debtor; and due and proper notice of the Motion having been given; and it appearing that no other or further notice of the Motion is required except as otherwise provided herein; and it appearing that this Court has jurisdiction to consider the Motion in accordance with 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order; and it appearing that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that venue of this proceeding and the Motion is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having reviewed the Motion and having heard the statements in support of the relief requested in the Motion at a hearing

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<sup>1</sup> The Debtor in this chapter 11 case is Food52, Inc. and the last four digits of the Debtor’s federal tax identification number are 2604. For the purpose of this chapter 11 case, the Debtor’s service address is 1 Dock 72 Way, 13th Floor, Brooklyn, New York 11205.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

before this Court, if any; and it appearing that the relief requested in the Motion and provided for herein is in the best interest of the Debtor, its estate, and its creditors; and after due deliberation and sufficient cause appearing therefore, **IT IS HEREBY ORDERED THAT:**

1. The Motion is **GRANTED** as set forth herein.
2. The Debtor is authorized to redact the Confidential Information from the Creditor Matrix, the Equity Holders List, the Schedules and Statements, and any similar documents; *provided that* the Debtor shall provide this Court, the Office of the United States Trustee for the District of Delaware, counsel to the DIP Lender, and counsel to any official committee of creditors appointed in the chapter 11 case with unredacted versions of such documents. The Confidential Information may not be made available to any other party without the consent of the Debtor or further order of this Court.
3. Except as ordered by this Court, any filings that disclose any of the Confidential Information shall be filed under seal in accordance with this Order and served only on those parties authorized in paragraph 2 above.
4. Nothing in this Order shall waive or otherwise limit the service of any document upon or the provision of any notice to any individual solely because such individual's personally identifiable information is sealed or redacted pursuant to this Order. Service of all documents and notices upon individuals whose personally identifiable information is sealed or redacted pursuant to this Order shall be made to their residential addresses and confirmed in the corresponding certificate of service. The Debtor shall provide the redacted information to any party in interest that files a motion that indicates the reason such information is needed and that, after notice and a hearing, is granted by this Court.
5. This Order shall be immediately effective and enforceable upon its entry.

6. The Debtor is authorized to take all actions necessary or appropriate to effectuate the relief granted pursuant to this Order.

7. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.