

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

MARELLI AUTOMOTIVE LIGHTING USA LLC,
et al.,¹

Debtors.

)
) Chapter 11
)

) Case No. 25-11034 (CTG)
)

) (Jointly Administered)
)

) Obj. Deadline: August 8, 2025 at 4:00 p.m. (ET)
) Hearing Date: August 25, 2025 at 1:00 p.m. (ET)
) Re: D.I. 300 & 313
)

MOTION FOR ENTRY OF AN ORDER AUTHORIZING
MIZUHO BANK, LTD. TO SEAL CONFIDENTIAL INFORMATION
IN THE EXHIBIT TO MIZUHO BANK, LTD.'S (I) OBJECTION
AND RESERVATION OF RIGHTS WITH RESPECT TO THE
DIP MOTION AND (II) EMERGENCY CROSS MOTION
FOR ADJOURNMENT OF FINAL DIP HEARING

Mizuho Bank, Ltd., solely in its capacity as an Emergency Loan Lender and Senior Lender
("Mizuho"), hereby files this motion (this "Motion to Seal") and respectfully state as follows:

RELIEF REQUESTED

1. By this Motion to Seal, pursuant to sections 105(a) and 107(b) of title 11 of the United States Code (the "**Bankruptcy Code**"), rule 9018 of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**"), and rule 9018-1 of the Local Rules of the United States Bankruptcy Court for the District of Delaware (the "**Local Rules**"), Mizuho requests entry of an order, substantially in the form attached hereto as Exhibit A (the "**Proposed Order**") (i) authorizing Mizuho to seal the Confidential Information (as defined below) in the DIP Objection Exhibit (as defined below), and (ii) granting related relief.

¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' claims and noticing agent at <https://www.veritaglobal.net/Marelli>. The location of Marelli Automotive Lighting USA LLC's principal place of business and the Debtors' service address in these chapter 11 cases is 26555 Northwestern Highway, Southfield, Michigan 48033.



JURISDICTION AND VENUE

2. This Court has jurisdiction to consider this Motion to Seal and the relief requested herein under 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 February 29, 2012. This is a core proceeding under 28 U.S.C. § 157(b) as to which this Court has the power to enter a final judgment. Pursuant to Local Rule 9013-1(f), Mizuho consents to the entry of a final order by the Court in connection with this Motion to Seal to the extent it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

3. Venue of these Chapter 11 Cases and this Motion to Seal is proper in this District under 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

4. On July 22, 2025, Mizuho filed *Mizuho Bank, Ltd.’s (I) Objection and Reservation of Rights with Respect to the DIP Motion and (II) Emergency Cross Motion for Adjournment of Final DIP Hearing* [D.I. 300] (the “**DIP Objection**”). In connection with the DIP Objection, Mizuho filed an exhibit [D.I. 313] (the “**DIP Objection Exhibit**”) containing the Debtors’ prepetition liquidation analysis. The DIP Objection Exhibit includes information designated by the Debtors as “privileged and confidential” (the “**Confidential Information**”).

BASIS FOR RELIEF

5. 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 the businesses of debtor corporations 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(b), Fed. R. Bankr. P. 9018.

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). Further, section 107(c) provides that the bankruptcy court, for cause, may protect an individual from information filed in a case “to the extent that the court finds that disclosure of such information would create . . . unlawful injury to the individual or the individual’s property.” 11 U.S.C. § 107(c).

6. Bankruptcy Rule 9018 implements section 107 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.

7. Courts in Delaware define commercial information as “information which would result in ‘an unfair advantage to competitors by providing them information as to the operations of the debtor.’” *In re Alterra Healthcare Corp.*, 353 B.R. 66, 75 (Bankr. D. Del. 2006) (quoting *Video Software Dealers Assoc. v. Orion Pictures Corp. (In re Orion Pictures Corp.)*, 21 F.3d 24, 27-28 (2d Cir. 1994)). An order sealing commercial information is appropriate where the disclosure of the commercial information could “reasonably be expected to cause . . . commercial injury” and the information is “critical” to the operations of the entity seeking protection, such that the information’s “disclosure will unfairly benefit that entity’s competitors.” *See Alterra Healthcare*, 353 B.R. at 75-76 (citations omitted); *In re Mum Servs., Inc.*, 279 B.R. 478, 484 (Bankr. D. Del. 2002) (noting that § 107(b) “was intended to avoid affording an unfair advantage to competitors by providing them information as to the commercial operations of the debtor”) (internal citations omitted). Further, confidential commercial information does not need to rise to the level of a trade secret to be entitled to protection under section 107(b). *See, e.g., Orion*

Pictures, 21 F.3d at 28 (“[C]ourts interpreting § 107(b) need not require that commercial information be the equivalent of a trade secret before protecting such information.”).

8. Once a court determines that the information in question falls within one of the enumerated categories in section 107(b), “the court is required to protect a requesting interested party and has no discretion to deny the application.” *Id.* The Court has broad authority to issue such an order under Bankruptcy Rule 9018. *See In re Global 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.”).

9. In addition, under section 105(a) of the Bankruptcy Code, the Court may “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions” of the Bankruptcy Code. 11 U.S.C. § 105(a).

10. Mizuho submits that the information contained in the DIP Objection Exhibit falls squarely within the scope of “commercial information” that must be protected pursuant to Bankruptcy Code section 107(b)(1). As noted above, the Confidential Material is information designated by the Debtors as “privileged and confidential.” Accordingly, Mizuho is not permitted to publicly disclose the Confidential Material.

11. Accordingly, Mizuho respectfully submits that good cause exists pursuant to Bankruptcy Rule 9006 and Local Rule 9006-1 for the relief requested herein.

CERTIFICATION REGARDING LOCAL RULE 9018-1

12. To the best of the knowledge, information, and belief of the undersigned counsel to Mizuho, the Confidential Information is confidential information that is subject to confidentiality rights held by the Debtors and should be sealed. The undersigned counsel conferred with counsel

for the Debtors in accordance with Local Rule 9018-1(d)(ii), and the parties agree that that entirety of the DIP Objection Exhibit should be placed under seal.

NOTICE

13. Notice of this Motion to Seal has been provided to the following parties: (i) the Debtors; (ii) the Official Committee of Unsecured Creditors; (iii) the Office of the United States Trustee for the District of Delaware; and (iv) any such other party entitled to receive notice pursuant to Bankruptcy Rule 2002. In light of the nature of the relief requested herein, Mizuho submits that no other or further notice is necessary.

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WHEREFORE, for the reasons set forth herein, Mizuho respectfully requests that the Court enter the Proposed Order, granting the relief requested in this Motion to Seal and such other and further relief as may be just and proper.

Dated: July 25, 2025
Wilmington, Delaware

Respectfully submitted,

/s/ Alexander R. Steiger
RICHARDS, LAYTON & FINGER, P.A.
Mark D. Collins (No. 2981)
Russell C. Silberglied (No. 3462)
Brendan J. Schlauch (No. 6115)
Alexander R. Steiger (No. 7139)
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*Counsel for Mizuho Bank, Ltd., solely in its
capacity as an Emergency Loan Lender and
Senior Lender*

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

In re:

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et al.,¹

Debtors.

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) **Obj. Deadline: August 8, 2025 at 4:00 p.m. (ET)**
) **Hearing Date: August 25, 2025 at 1:00 p.m. (ET)**
) **Re: D.I. 300 & 313**
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NOTICE OF MOTION AND HEARING

PLEASE TAKE NOTICE that, on July 25, 2025, Mizuho Bank, Ltd., solely in its capacity as an Emergency Loan Lender and Senior Lender (“**Mizuho**”), filed the *Motion for Entry of an Order Authorizing Mizuho Bank, Ltd. to Seal Confidential Information in the Exhibit to Mizuho Bank, Ltd.’s (I) Objection and Reservation of Rights with Respect to the DIP Motion and (II) Emergency Cross Motion for Adjournment of Final DIP Hearing* (the “**Motion**”) with the United States Bankruptcy Court for the District of Delaware (the “**Court**”).

PLEASE TAKE FURTHER NOTICE that objections or responses to the relief requested in the Motion, if any, must be made in writing and filed with the Court on or before **August 8, 2025 at 4:00 p.m. (prevailing Eastern Time)**.

PLEASE TAKE FURTHER NOTICE that a hearing with respect to the Motion, if required, will be held before The Honorable Craig T. Goldblatt, United States Bankruptcy Judge for the District of Delaware, at the Court, 824 North Market Street, 3rd Floor, Courtroom 7, Wilmington, Delaware 19801, on **August 25, 2025 at 1:00 p.m. (prevailing Eastern Time)**.

¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors’ claims and noticing agent at <https://www.veritaglobal.net/Marelli>. The location of Marelli Automotive Lighting USA LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 26555 Northwestern Highway, Southfield, Michigan 48033.

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

Dated: July 25, 2025
Wilmington, Delaware

Respectfully submitted,

/s/ Alexander R. Steiger

RICHARDS, LAYTON & FINGER, P.A.

Mark D. Collins (No. 2981)

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*Counsel for Mizuho Bank, Ltd., solely in its
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Senior Lender*

EXHIBIT A

Proposed Order

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

In re:

MARELLI AUTOMOTIVE LIGHTING USA LLC,
et al.,¹

Debtors.

Chapter 11

Case No. 25-11034 (CTG)

(Jointly Administered)

Re: D.I. 313 & _____

**ORDER AUTHORIZING MIZUHO BANK, LTD. TO SEAL
CONFIDENTIAL INFORMATION IN THE EXHIBIT TO MIZUHO
BANK, LTD.'S (I) OBJECTION AND RESERVATION OF RIGHTS
WITH RESPECT TO THE DIP MOTION AND (II) EMERGENCY
CROSS MOTION FOR ADJOURNMENT OF FINAL DIP HEARING**

Upon the motion (the “**Motion to Seal**”)² of Mizuho Bank, Ltd., solely in its capacity as an Emergency Loan Lender and Senior Lender (“**Mizuho**”), for entry of an order (this “**Order**”) authorizing Mizuho to redact and seal the Confidential Information set forth in the DIP Objection Exhibit, all as more fully set forth in the Motion to Seal; and the Court having reviewed the Motion to Seal and all pleadings related thereto; and the Court having held a hearing, if any, to consider the relief requested therein; and the Court having considered the arguments of counsel made, and the evidence adduced at the hearing on the Motion to Seal, if any; and this Court having jurisdiction to consider the Motion to Seal and the relief requested therein in accordance with 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; and consideration of the Motion to Seal

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² Unless otherwise defined herein, capitalized terms used herein shall have the meanings ascribed to them in the Motion to Seal.

and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion to Seal having been provided under the circumstances and in accordance with the Bankruptcy Rules and the Local Rules, and it appearing that no other or further notice need be provided; and the Court having determined that the legal and factual bases set forth in the Motion to Seal establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation thereon and sufficient cause appearing therefor:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion to Seal is GRANTED as set forth herein.
2. Mizuho is authorized to file the Confidential Information under seal.
3. The Confidential Information shall remain confidential and not be made available to anyone without the express consent of the Debtors or unless otherwise ordered by the Court; *provided, however*, that the Confidential Information shall be made available, on a confidential basis, to: (i) the Court, (ii) the U.S. Trustee, and (iii) on a professionals' eyes-only basis, the advisors to the Committee.
4. Mizuho is hereby authorized and empowered to take all actions as may be necessary to implement and effect the terms and requirements established in this Order.
5. The Court has and will retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.