Docket #0108 Date Filed: 08/09/2026

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

| | |
|---|---|
| In re:<br><br>Ambipar Emergency Response,<br><br>Debtor. | Chapter 11<br><br>Case No. 25-90524 (ARP) |
| In re:<br><br>Ambipar Emergency Response, *et al.*[1]<br><br>Debtors in a Foreign Proceeding. | Chapter 15<br><br>Case No. 26-90709 (ARP) |

**MOTION TO SEAL DEBTORS' OPPOSITION TO OPPORTUNITY'S RENEWED EMERGENCY MOTION TO COMPEL DEPOSITION TESTIMONY OF TÉRCIO BORLENGHI JUNIOR AND EMERGENCY MOTION FOR PROTECTIVE ORDER**

**EMERGENCY RELIEF HAS BEEN REQUESTED. RELIEF IS REQUESTED AT THE HEARING ON THIS MATTER ON AUGUST 10, 2026, AT 11:30 AM (PREVAILING CENTRAL TIME).**

**IF YOU OBJECT TO THE RELIEF REQUESTED OR YOU BELIEVE THAT EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU MUST APPEAR AT THE HEARING IF ONE IS SET, OR FILE A WRITTEN RESPONSE PRIOR TO THE DATE THAT RELIEF IS REQUESTED IN THE PRECEDING PARAGRAPH. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.**

The above-captioned debtors (collectively, the "Debtors") respectfully state as follows:

## RELIEF REQUESTED

1. By this Motion, the Debtors seek the entry of an order from this Court, substantially in the form attached hereto (the "Order"), authorizing the Debtors to file under seal the unredacted version of the *Debtors' Opposition to Opportunity's Renewed Emergency Motion to Compel*

[1] The debtors in the above-captioned cases (the "Chapter 11 Case" and/or the "Chapter 15 Cases"), along with the last four digits of each Debtor's tax identification or corporate registry number, are: Ambipar Emergency Response (0263), Ambipar Lux S.à.r.l. (9448), Ambipar Participações e Empreendimentos S.A. (01-24), Environmental ESG Participações S.A. (01-23), and Emergência Participações S.A. (01-49).

2690709260809000000000005

*Deposition Testimony of Tércio Borlenghi Junior and Emergency Motion for Protective Order* (the "Confidential Information"), because the Confidential Information references and discusses deposition testimony and exhibits that have been designated as confidential under the Stipulation and Agreed Confidentiality and Protective Order Regarding Production of Documents [Dkt. No. 160] (the "Protective Order")

2. The Debtors will provide an unredacted copy of the Confidential Information upon request to: (a) counsel to Opportunity Dinâmico Fundo de Investimento em Participações Multiestratégia Responsabilidade Limitada ("Opportunity"); (b) the U.S. Trustee; and (c) other persons upon further order of the Court or upon agreement of the parties.

## JURISDICTION AND VENUE

3. The United States Bankruptcy Court for the Southern District of Texas (the "Court") has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157(b).

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

5. The bases for the relief requested herein are 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 9037-1 of the Bankruptcy Local Rules for the Southern District of Texas.

## BACKGROUND

6. On October 20, 2025, Ambipar Emergency Response commenced a case under chapter 11 of the Bankruptcy Code in this Court (Case No. 25-90524 (ARP)). On July 9, 2026, the Debtors commenced cases under chapter 15 of the Bankruptcy Code in this Court (Case No. 26-90709 (ARP)).

7. The Confidential Information references and discusses deposition testimony and related exhibits that were designated as "Confidential" or "Attorneys' Eyes Only" under the Protective Order. The Confidential Information discusses the RSA negotiations, board governance, intercompany transactions, and other confidential matters addressed in the deposition testimony.

**BASIS FOR RELIEF**

8. Section 107(b) of the Bankruptcy Code, in relevant part, provides courts with the power to issue orders that protect entities from potential harm that may result from the disclosure of certain confidential information:

> On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court's own motion, the bankruptcy court may—
>
> > (1) protect an entity with respect to a trade secret or confidential research, development, or commercial information. . . .

11 U.S.C. § 107(b)(1); *see also* Fed. R. Bankr. P. 9018.

9. Unlike its counterpart in rule 26(c) of the Federal Rules of Civil Procedure, section 107(b) of the Bankruptcy Code does not require an entity seeking such protection to demonstrate "good cause." *See Video Software Dealers Ass'n v. Orion Pictures Corp. (In re Orion Pictures Corp.)*, 21 F.3d 24, 28 (2d Cir. 1994); *Phar-Mor, Inc. v. Defendants Named Under Seal (In re Phar-Mor, Inc.)*, 191 B.R. 675, 679 (Bankr. N.D. Ohio 1995). Instead, if the material sought to be protected satisfies one of the categories identified in section 107(b), "the court is *required* to protect a requesting interested party and has no discretion to deny the application." *In re Orion Pictures Corp.*, 21 F.3d at 27 (emphasis in original); *Wyndham Vacation Resorts, Inc. v. Faucett (In re Faucett)*, 438 B.R. 564, 568 (Bankr. W.D. Tex. 2010).

10. Bankruptcy Rule 9018 implements section 107(b) and provides that "[o]n motion or on its own, the court may, with or without notice, issue any order that justice requires to: (1) to

protect the estate or any entity regarding a trade secret or other confidential research, development, or commercial information." Fed. R. Bankr. P. 9018. Bankruptcy Local Rule 9037-1 further authorizes this Court to limit public access to certain documents.

11. Here, the Opposition references and discusses deposition testimony and related exhibits that have been designated as confidential under the Protective Order. Public disclosure of this information would reveal confidential business terms, negotiations regarding the RSA, and strategic relationships that could disadvantage the parties and impact the administration of these bankruptcy cases. The information constitutes "confidential commercial information" within the meaning of 11 U.S.C. § 107(b). The Debtors submit that good cause exists to file the unredacted Confidential Information under seal.

12. Given that protected information permeates the Debtors' Confidential Information—through discussion of deposition testimony and exhibits designated as confidential under the Protective Order—the Debtors request permission to file the entirety of the Confidential Information under seal, and to file a redacted version on the public docket.

**EMERGENCY CONSIDERATION**

13. The Debtors respectfully request emergency consideration of this Motion, such that it can be heard in connection with the hearing on the Renewed Motion set for August 10, 2026 at 11:30 a.m. (prevailing Central Time).

WHEREFORE, the Debtors respectfully request that the Court enter the Order, granting the relief requested herein and such other relief as the Court deems appropriate under the circumstances.

Respectfully submitted this 9th day of August 2026.

**GRAY REED**

By: */s/ Jason S. Brookner*
Jason S. Brookner
Texas Bar No. 24033684
Lydia R. Webb
Texas Bar No. 24083758
1300 Post Oak Blvd., Suite 2000
Houston, Texas 77056
Telephone: (713) 986-7000
Facsimile: (713) 986-7100
Email: jbrookner@grayreed.com
lwebb@grayreed.com

- and -

**SIMPSON THACHER & BARTLETT LLP**

David R. Zylberberg (admitted pro hac vice)
Nicholas E. Baker (admitted pro hac vice)
Moshe A. Fink (admitted pro hac vice)
Rachael L. Foust (admitted pro hac vice)
Zachary J. Weiner (admitted pro hac vice)
425 Lexington Avenue
New York, New York 10016
Telephone: (212) 455-2000
Facsimile: (212) 455-2502
Email: david.zylberberg@stblaw.com
nbaker@stblaw.com
moshe.fink@stblaw.com
rachael.foust@stblaw.com
zachary.weiner@stblaw.com

*Counsel to the Debtors*

**Certificate of Service**

I certify that on August 9th, 2026, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

*/s/ Jason S. Brookner*
Jason S. Brookner

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

| | |
|---|---|
| In re:<br>Ambipar Emergency Response,<br>Debtor. | Chapter 11<br>Case No. 25-90524 (ARP) |
| In re:<br>Ambipar Emergency Response, *et al.*[1]<br>Debtors in a Foreign Proceeding. | Chapter 15<br>Case No. 26-90709 (ARP) |

**ORDER GRANTING MOTION TO SEAL DEBTORS' OPPOSITION TO OPPORTUNITY'S RENEWED EMERGENCY MOTION TO COMPEL DEPOSITION TESTIMONY OF TÉRCIO BORLENGHI JUNIOR AND EMERGENCY MOTION FOR PROTECTIVE ORDER**

Upon the motion (the "Motion") of the Debtors for entry of an order, pursuant to sections 105(a) and 107 of the Bankruptcy Code, and Local Rule 9037-1, authorizing it to file under seal the Sealed Opposition and Emergency Motion for Protective Order; it appearing that cause exists to grant the relief requested in the Motion and pursuant to the Protective Order; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court being able to issue 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 before this Court pursuant to 28 U.S.C §§ 1408 and 1409; and due and proper notice of the Motion having

[1] The debtors in the above-captioned cases (the "Chapter 11 Case" and/or the "Chapter 15 Cases"), along with the last four digits of each Debtor's tax identification or corporate registry number, are: Ambipar Emergency Response (0263), Ambipar Lux S.à.r.l. (9448), Ambipar Participações e Empreendimentos S.A. (01-24), Environmental ESG Participações S.A. (01-23), and Emergência Participações S.A. (01-49).

been provided under the particular circumstances, and it appearing that no other or further notice need be provided; and after due deliberation; and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Debtors are authorized to file the Sealed Opposition and Motion for Protective Order herein.

2. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

3. This Court shall retain jurisdiction with respect to all matters arising from or relating to the interpretation or implementation of this Order.

Signed: _____, 2026.

Alfredo R. Pérez
United States Bankruptcy Judge