SOUTHERN DISTRICT OF NEW YORK		
	71	
IN RE:	: : (	Chapter 11
ARCAPITA BANK B.S.C.(c), et al.,	: : (	Case No. 12-11076 (SHL)
Debtors.	:	Jointly Administered
	:	Jointly Administered
	X	

LINITED STATES RANKRUPTCY COURT

EX PARTE ORDER AUTHORIZING THE DEBTORS TO FILE CERTAIN DOCUMENTS UNDER SEAL IN CONNECTION WITH THE DEBTORS' MOTION FOR THE ENTRY OF AN ORDER AUTHORIZING THE DEBTORS TO (A) ENTER INTO A FINANCING COMMITMENT LETTER AND RELATED FEE LETTER TO OBTAIN (I) REPLACEMENT DIP FINANCING AND (II) EXIT FINANCING, (B) INCUR AND PAY ASSOCIATED FEES AND EXPENSES, AND (C) PROVIDE RELATED INDEMNITIES

Upon consideration of the motion (the "*Motion*")¹ of Arcapita Bank B.S.C.(c) ("*Arcapita*") and certain of its subsidiaries and affiliates, as debtors and debtors in possession in the above-captioned Chapter 11 Cases (collectively, the "*Debtors*" and each, a "*Debtor*"), for entry of an order pursuant to Bankruptcy Code section 107 and Bankruptcy Rule 9018, authorizing them to file the Confidential Documents under seal; it appearing that the relief requested in the Motion is appropriate in the context of the Chapter 11 Cases and in the best interests of the Debtors and their respective estates; the Court having reviewed the Motion and having considered the statements in support of the relief requested therein; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

## IT IS HEREBY ORDERED:

1. The Motion is approved to the extent set forth herein.

<sup>&</sup>lt;sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

- 2. Pursuant to section 107(b) of the Bankruptcy Code, the Debtors are authorized to file redacted copies of the Confidential Documents, and to serve the redacted Confidential Documents on those parties entitled to notice under the Bankruptcy Code, Bankruptcy Rules or any other applicable order.
- 3. The clerk of the Bankruptcy Court shall accept for filing under seal unredacted copies of the Confidential Documents.
- 4. The unredacted Confidential Documents shall be available to the Court, but otherwise shall be kept under seal and may not be unsealed until and unless permitted by further order of the Court.
- 5. Notwithstanding any other provision of this Order, the Debtors shall be authorized to serve the unredacted Confidential Documents upon the Committee, the Joint Provisional Liquidators and the U.S. Trustee.
- 6. Any party who receives the unredacted Confidential Documents in accordance with this Order shall not disclose or otherwise disseminate such unredacted Confidential Documents, or any of the Fees or the Valuations contained therein, to any other person or entity and shall keep the Fees and the Valuations confidential, except (a) as otherwise disclosed in the Motion, and (b) as otherwise permitted in any confidentiality agreement that remains in force and has not been terminated as of the date of this Order, pursuant to which any of the Debtors have provided the Valuations to any party.
- 7. The unredacted Confidential Documents shall not be disclosed or further disseminated by the Clerk or any other party except upon further order of this Court.
- 8. Any pleadings filed in these Chapter 11 Cases that disclose the Fees or the Valuations (other than to the extent disclosed in the Motion) shall be filed with such information

Filed 05/06/13 Entered 05/06/13 16:11:56 Main Document 12-11076-shl Doc 1068

Pg 3 of 3

redacted, and the Clerk of the Bankruptcy Court shall be authorized to accept such filings,

provided that unredacted copies of such pleadings shall be filed under seal and served as

specifically authorized in this Order and redacted copies of such pleadings shall be served on

those parties entitled to notice under the Bankruptcy Code, Bankruptcy Rules or any other

applicable order.

9. This Order is without prejudice to the rights of any party in interest to seek to

make public any portion of the pleadings and/or documents filed under seal pursuant to this

Order.

10. The Movant shall contact the Clerk's Office regarding the return of the sealed

documents within 30 days after issuance of a final order with respect to these documents and

Movant shall maintain these documents in their files until the final resolution of any appeals

relating to these sealed documents.

11. This Order shall be immediately effective and enforceable upon its entry.

Dated: New York, New York

May 6, 2013

/s/ Sean H. Lane

THE HONORABLE SEAN H. LANE UNITED STATES BANKRUPTCY JUDGE