

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:	:	Chapter 11
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ARCAPITA BANK B.S.C.(c), et al.,	:	Case No. 12-11076 (SHL)
	:	
Debtors.	:	Jointly Administered
	:	
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**EX PARTE ORDER AUTHORIZING THE DEBTORS TO FILE
A REDACTED VERSION OF THE FORTRESS COMMITMENT LETTER**

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 Fortress Commitment Letter with redactions; 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.
2. Pursuant to section 107(b) of the Bankruptcy Code, the Debtors are authorized to file a redacted copy of the Fortress Commitment Letter and any revised versions of the same (as

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

revised, the “*Revised Fortress Commitment Letter*”), and to serve the redacted Revised Fortress Commitment Letter 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 an unredacted copy of the Revised Fortress Commitment Letter.

4. The unredacted Revised Fortress Commitment Letter 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. The Debtors shall serve copies of the unredacted Revised Fortress Commitment Letter on (i) the Committee; (ii) the Joint Provisional Liquidators; and (iii) the U.S. Trustee for the Southern District of New York.

6. The Debtors shall provide the unredacted Revised Fortress Commitment Letter as otherwise provided by any order of this Court or any other judicial, administrative or legislative body or committee.

7. Any party who receives the unredacted Revised Fortress Commitment Letter in accordance with this Order shall not disclose or otherwise disseminate such unredacted Revised Fortress Commitment Letter, or the Redacted Information contained therein, to any other person or entity and shall keep the Redacted Information confidential.

8. The unredacted Revised Fortress Commitment Letter or the Redacted Information shall not be disclosed or further disseminated by the Clerk or any other party except upon further order of this Court.

9. Any pleadings filed in these Chapter 11 Cases that discloses the Redacted Information shall be filed with such information 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.

10. ORDERED, that the Clerk of the Court shall treat the documents as confidential and counsel for the Debtors shall contact the Clerk's Office regarding the return or disposition of the sealed documents within ten (10) days after issuance of a final order with respect to the documents.

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

Dated: New York, New York
November 9, 2012

/s/ Sean H. Lane
THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE