

Jurisdiction and Venue

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.
2. Venue is proper in this Court pursuant to 28 U.S.C. § 1408.
3. The bases for the relief requested herein are section 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 5003-1(C) of the Local Rules of the United States Bankruptcy Court for the Southern District of Florida (“**Local Rules**”).

Basis for Relief Requested

4. A bankruptcy court may upon request, “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 defines the procedures by which a party may move for relief under section 107(b), providing that “[o]n motion or on its own initiative, with or without notice, the court may make any order which justice requires... 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. Additionally, Local Rule 5003-1(C) provides that a motion seeking to file a document under seal may be filed contemporaneously with the sealed document.

5. Commercial information includes, among other things, any information that would cause “an unfair advantage to competitors by providing them information as to the commercial operations of the debtor.” *In re Orion Pictures Corp.*, 21 F.3d 24, 27 (2d Cir.1994) (internal quotation marks omitted).

6. The parties in this action have designated certain documents as “Confidential” under the Stipulated Protective Order entered by this Court. Case 08-10928-JKO, D.E. 1591.

The Protective Order provides this designation for information that the producing party considers confidential or proprietary.

7. The Documents which the Committee proposes to file contain sensitive financial data and information derived therefrom. Therefore, the Committee is obligated pursuant to the Protective Order to file such documents under seal.

8. For these reasons, the Committee respectfully requests authority to file the Documents under seal.

WHEREFORE for all of the reasons set forth above, the Committee respectfully requests entry of an order, substantially in the form annexed hereto as Exhibit A, authorizing it to file the Documents under seal and granting further relief as is appropriate.

DATED, March 16, 2010.

Respectfully submitted,

I HEREBY CERTIFY that the undersigned attorneys are appearing *pro hac vice* in this matter pursuant to court order dated July 10, 2008 [D.E. 1360, 1362, 1363 in Ch. 11 No. 08-10928]

/s/ Patricia A. Redmond

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CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2010, the foregoing Motion was filed electronically with the Clerk of the Court, and served via Notice of Electronic Filing upon registered ECF users through the Court's CM-ECF system. I further certify that I caused copies of the foregoing Motion to be served by email upon all other parties named on the attached Service List.

/s/ Patricia A. Redmond
PATRICIA A. REDMOND

P R O P O S E D

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION
www.flsb.uscourts.gov

In re:
TOUSA, INC., *et al.*,

Debtors.

OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF TOUSA, INC., *et al.*,

Plaintiff,

v.

CITICORP NORTH AMERICA, INC., *et al.*,

Defendants.

: Chapter 11 Cases

: Case No. 08-10928-JKO

: Jointly Administered

: Adv. Pro. No. 08-01435

**ORDER GRANTING
OFFICIAL COMMITTEE OF UNSECURED CREDITOR'S
EX PARTE MOTION TO FILE DOCUMENTS UNDER SEAL**

Upon consideration of the motion (D.E. # ____) (the “Motion”) of The Official Committee of Unsecured Creditors of TOUSA, Inc. et al. (the “Committee”) for entry of an order authorizing the Debtors to file Documents¹ under seal, and, it appearing that the relief requested in the Motion is necessary to protect certain confidential and sensitive financial data; and, due and proper notice of the motion having been provided, and it appearing that no other or further notice need be provided; and, after due deliberation and sufficient cause appearing therefore, it is ORDERED that:

1. The Committee’s Motion is GRANTED.
2. The Committee is authorized to file the Documents with the Court under seal.
3. The Committee shall provide the Documents to all relevant parties, if not already provided.
4. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

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Submitted by:

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¹ All capitalize terms not otherwise defined herein shall have the means ascribed to such terms in the Motion.
#237907 v1

OCUC of TOUSA, Inc., et al. v. Citicorp North America, Inc., et al.
Adv. Case No. 08-01435
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