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The Captain Michael King Smith Educational Institute*

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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In re:

The Falls at McMinnville LLC,

Debtor.

Bankr. No. 18-25492

Chapter 11

Honorable Chief Judge R. Kimball Mosier

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***EX PARTE* MOTION FOR LEAVE TO FILE CERTAIN CONFIDENTIAL  
AGREEMENTS UNDER SEAL**

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Pursuant to 11 U.S.C. § 107(b)(1) and local rule 5003-2(c), Evergreen Aviation and Space Museum and The Captain Michael King Smith Educational Institute (the “***Museum***”), by and through its undersigned counsel, hereby submits this *ex parte* motion for an order granting the Museum leave to file three (3) exhibits to the Declaration of Oren B. Haker in Support of Motion for Relief from Stay (“**Haker Decl.**”) under seal, as the exhibits are confidential agreements (collectively, the “**Confidential Exhibits**”). *See* Haker Decl. Ex. 15-17.

While papers filed in a case under title 11 are generally public documents which are open to examination by any person or entity, section 107(b) of the Bankruptcy Code provides certain

protections to prevent the disclosure of trade secrets and other proprietary and confidential commercial 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). Local rule 5003-2(c) also contemplates that this Court may allow some documents to be filed under seal, explaining that “[p]apers ordered sealed or impounded by the court . . . are not public records within the meaning of these Local Rules.” Local rule 5003-2(c) goes on to provide that “[a] motion to file documents under seal may be filed electronically unless prohibited by law.” Furthermore, section 105(a) of the Bankruptcy Code confers upon this Court the power to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a).

Here, the confidentiality clauses in the Confidential Exhibits, as well as the potential harm to the Museum and the Debtors that may result from unrestricted disclosure of such information, constitutes cause for the entry of an order allowing the Museum to file under seal the Confidential Exhibits.

WHEREFORE, the Museum respectfully requests that the Court enter an order allowing the Museum to file under seal Exhibits 15-17 to the Haker Decl., as provided above, and grant such other and further relief as is just and equitable.

DATED: January 15, 2019

**STOEL RIVES LLP**

*/s/ Oren B. Haker*

Oren B. Haker (OSB #130162)

(admitted pro hac vice)

Mark E. Hindley (UTB #7222)

*Attorneys for the Museum*

### CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of January, 2019 I filed a true and correct copy of the foregoing *Ex Parte* Motion For Leave To File Certain Confidential Agreements Under Seal with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF Users.

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I further certify the below parties who are not on the list to receive email notice/service for this case were served by U.S. First Class mail the 15th day of January, 2019.

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DATED: January 15, 2019



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