

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT
BRIDGEPORT DIVISION**

In re:

HO WAN KWOK, *et al.*,

Debtors.¹

LUC A. DESPINS, CHAPTER 11 TRUSTEE FOR
THE ESTATE OF HO WAN KWOK,

Plaintiff,

v.

HCHK TECHNOLOGIES, INC., HCHK
PROPERTY MANAGEMENT, INC.,
LEXINGTON PROPERTY AND STAFFING,
INC., HOLY CITY HONG KONG VENTURES,
LTD., ANTHONY DIBATTISTA, YVETTE
WANG, and BRIAN W. HOFMEISTER,
ASSIGNEE FOR THE BENEFIT OF THE
CREDITORS

Defendants.

Chapter 11

Case No. 22-50073 (JAM)

(Jointly Administered)

Adv. P. No. 23-05013 (JAM)

SEPTEMBER 27, 2023

**PROPOSED INTERVENORS SHIH HSIN YU, 1332156 B.C. LTD AND GWGPNZ
LIMITED'S MOTION TO FILE COMPLETE, UNREDACTED VERSION OF CERTAIN
EXHIBITS TO PROPOSED INTERVENORS' REPLY IN FURTHER SUPPORT OF
MOTION TO INTERVENE IN ADVERSARY PROCEEDING UNDER SEAL**

¹ The Debtors in these chapter 11 cases are Ho Wan Kwok (also known as Guo Wengui, Miles Guo, and Miles Kwok) (last four digits of tax identification number: 9595), Genever Holdings LLC (last four digits of tax identification number: 8202), and Genever Holdings Corporation. The mailing address for the Trustee, Genever Holdings LLC, the Genever Holdings Corporation, is Paul Hastings LLP, 200 Park Avenue, New York, NY 10166 c/o Luc A. Despina, as Trustee for the Estate of Ho Wan Kwok (solely for the purposes of notices and communications).

Proposed Intervenor Shin Hsin Yu (“Mr. Shih”), 1332156 B.C. LTD (“1332156 B.C.”) and GWGOPNZ Limited (“GWGOPNZ”) (collectively, the “Proposed Intervenor”), by their attorneys Pastore LLC, hereby respectfully submit this motion (“Motion to Seal”) pursuant to 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”), 5(e) Rule District of Connecticut Local Rule of Civil Procedure (the “Local Civil Rules”), Rule 9077-1 of the District of Connecticut Local Rules of Bankruptcy Procedure (the “Local Bankruptcy Rules”), and the Protective Order entered October 6, 2022 (Main Case ECF No. 923), for entry of the proposed order filed herewith as **Exhibit A** (the “Proposed Order”), permitting the sealed filing of certain exhibits cited within the Proposed Intervenor *Reply in Further Support of Proposed Intervenor’s Motion to Intervene in Adversary Proceeding* (the “Reply”) and attached to the *Declaration of Joseph M. Pastore III in Support of Proposed Intervenor Reply in Further Support of Proposed Intervenor’s Motion to Intervene in Adversary Proceeding* (the “Pastore Declaration”).² In support of this Motion to Seal, the Proposed Intervenor state as follows:³

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Standing Order of Reference from the United States District Court for the District of Connecticut. This is a core proceeding within the meaning of 28 U.S.C. § 157(b). Venue in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

² The Reply and Pastore Declaration are being filed contemporaneously herewith.

³ For the Court’s convenience, capitalized terms undefined herein shall have the meaning ascribed to them by the *Motion to Intervene in Adversary Proceeding* (“Motion to Intervene,” ECF No. 60).

BACKGROUND

2. On October 6, 2022, the Court entered a Protective Order (Main Case ECF No. 923, the “Protective Order”), which allows certain information produced in the Chapter 11 Case that is marked “Confidential” or “Highly Confidential” to be redacted.

3. The Protective Order provides:

A Producing Party may designate Discovery Material as “Confidential” if such Producing Party reasonably believes that: (i) such Discovery Material (A) constitutes or contains nonpublic proprietary or confidential technical, business, financial, personal, or other information of a nature that should be protected under the Bankruptcy Rules or the Federal Rules or (B) is subject by law or by contract to a legally protected right of privacy; or (ii) the Producing Party (A) is under a preexisting obligation to a third party to treat such Discovery Material as confidential or (B) has been reasonably requested by another Party or non- Party to so designate such Discovery Material on the grounds that such other Party or non- Party considers such Discovery Material to contain information that is confidential or proprietary to such Party or non-Party.

Main Case ECF No. 923 ¶ 5(a).

4. The Protective Order also states that “[u]nless otherwise agreed by the Producing Party, all Designated Material filed with the Court, and all portions of pleadings, motions, or other papers filed with the Court that disclose Highly Confidential or Confidential Material, shall be filed under seal in accordance with the Federal Rules, the Bankruptcy Rules, the Local Rules....” (Main Case ECF No. 923 ¶ 13).

5. On July 17, 2023, the Proposed Intervenor filed the Motion to Intervene (ECF No. 60), seeking to intervene in the Adversary Proceeding.

6. Certain documents produced by the Trustee and Assignee and/or described in the Proposed Intervenor’s Reply and attached to the Pastore Declaration have been designated by the Trustee or Assignee as “Confidential.”

RELIEF REQUESTED

7. By this Motion, the Proposed Intervenors request entry of an order, substantially in the form of the Proposed Order, authorizing the Proposed Intervenors to file under seal certain exhibits cited and/or described within the Reply and attached to the Pastore Declaration as they contain certain information that has been designated “Confidential” pursuant to the Protective Order.

BASIS FOR RELIEF

8. Section 107(b) of the Bankruptcy Code authorizes courts to issue orders to protect entities with respect to certain confidential or commercial information. 11 U.S.C. § 107(b). Further, Bankruptcy Rule 9018 establishes the procedure by which a party in interest may obtain a protective order authorizing the filing of a document under seal pursuant to section 107(b) of the Bankruptcy Code. Upon the determination that the information sought to be protected falls within one of the categories enumerated in section 107(b) of the Bankruptcy Code, “the court is required to protect a requesting interested party and has no discretion to deny the application.” *Video Software Dealers Ass’n v. Orion Pictures Corp. (In re Orion Pictures Corp.)*, 21 F.3d 24, 27 (2d Cir. 1994).

9. The Proposed Intervenors are submitting certain evidence in support the Reply and Pastore Declaration that the Trustee or Assignee have sought to keep confidential by designating as “Confidential” information pursuant to the Protective Order. Without waiving any arguments regarding confidentiality, the Proposed Intervenors are required to submit the exhibits under seal and redact sensitive information in connection with the exhibits pursuant to paragraph 13 of the Protective Order.

10. For all the foregoing reasons, the Proposed Intervenor request that they be authorized to submit the following exhibits cited with the Reply and attached to the Pastore Declaration under seal: Exhibits B and E.

WHEREFORE, the Court should grant this Motion to Seal, approve the sealed filing of certain exhibits cited and/or described within the Reply and attached to the Pastore Declaration as provided in the Proposed Order and grant such other and further relief as the Court deems just and proper.

Dated: September 27, 2023
Stamford, Connecticut

**PROPOSED INTERVENORS SHIN HSIN YU,
1332156 B.C. LTD AND GWGPNZ LIMITED**

By: 

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