

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

IN RE:	§	
	§	CASE NO. 14-30699-11
BUFFET PARTNERS, L.P., et al.,	§	
	§	CHAPTER 11
Debtors.	§	
	§	(Jointly Administered)
	§	

**ORDER APPROVING INFORMATION ACCESS PROTOCOL UNDER  
SECTIONS 105(A), 107(B), AND 1102(B)(3)(A) OF THE BANKRUPTCY CODE**

Upon consideration of the *Motion of the Official Committee of Unsecured Creditors for Order Approving Information Access Protocol Under Sections 105(a), 107(b), and 1102(b)(3)(A) of the Bankruptcy Code* (the “Motion”) filed by the Official Committee of Unsecured Creditors (the “Committee”) appointed in the above-captioned cases; the Court having reviewed the Motion and having considered the statements of counsel present; and the Court being otherwise fully advised in the premises;

**IT IS HEREBY ORDERED THAT:**

1. The Motion is granted in its entirety;
2. The following procedures for the protection of Confidential Information and Privileged Information are approved:
  - a. The Official Committee of Unsecured Creditors (the “Committee”) appointed in the above-captioned jointly administered chapter 11 cases shall, until the earliest to occur of dissolution of the Committee, dismissal, or conversion of these chapter 11 cases (the “Cases”), and a further order of the Court, set up and maintain a website. For the sake of efficiency and economy and ease of access by creditors, the Committee shall keep creditors informed as required by the statute by directing them to a website (<http://www.pszjlaw.com/buffetpartners.html>) it shall maintain with specific links for Committee reports and case information. Further, in fulfillment of its obligation to solicit and receive comments from general unsecured creditors as set forth in subsection 1102(b)(3)(B) of the Bankruptcy Code, the Committee’s website information page(s) will include contact information for the Committee’s counsel, including an email address to allow unsecured creditors to send questions and comments in connection with these Cases.
  - b. The Committee shall not be required to disseminate to any Entity (as defined in section 101(15) of the Bankruptcy Code): (i) without further order of the Court, Confidential Information or (ii) Privileged Information. The Committee shall not be required to disclose any Confidential Information it receives from the Debtors in connection with any

examination pursuant to Bankruptcy Rule 2004, or in connection with any formal or informal discovery in any contested matter, adversary proceeding, or other litigation.

c. If a creditor (the “Requesting Creditor”) submits a written request to the Committee (the “Information Request”) for the Committee to disclose information, the Committee shall as soon as practicable, but no more than twenty (20) days after receipt of the Information Request, provide a response to the Information Request (the “Response”), including providing access to the information requested or the reasons for which the Committee cannot comply with the Information Request. If the Response is to deny the Request because the Committee believes the Information Request implicates Confidential Information or Privileged Information or otherwise, or that the Information Request is unduly burdensome, the Requesting Creditor may, after a good faith effort to meet and confer with an authorized representative of the Committee regarding the Information Request and the Response, seek to compel such disclosure for cause pursuant to a motion filed with this Court. Such motion shall be served on the counsel for the Committee and the Debtors and the hearing on such motion shall be noticed and scheduled as required by the Local Rules for the Northern District of Texas. Nothing herein shall be deemed to preclude the Requesting Creditor from requesting that the Committee provide the Requesting Creditor a log or other index of any information specifically responsive to the Requesting Creditor’s Information Request that the Committee deems to be Confidential Information or Privileged Information nor shall anything herein be deemed to preclude the Committee from objecting to such request. Furthermore, nothing herein shall be deemed to preclude the Requesting Creditor from requesting that the Court conduct an in camera review of

any information specifically responsive to the Requesting Creditor's Information Request that the Committee asserts is Confidential Information or Privileged Information.

d. In its Response to an Information Request for access to Confidential Information, the Committee shall consider whether (a) the Requesting Creditor is willing to agree to reasonable confidentiality restrictions with respect to such Confidential Information; and (b) under the particular facts, such agreement will reasonably protect the confidentiality of such Confidential Information; provided, however, that if the Committee elects to provide access to Confidential Information on the basis of such confidentiality restrictions, the Committee shall have no responsibility for the Requesting Creditor's compliance with, or liability for violation of, applicable securities or other laws. Any disputes with respect to this paragraph shall be resolved as provided in the preceding paragraph, and, to the extent applicable, the next paragraph.

e. In addition, if the Information Request implicates Confidential Information of the Debtors (or any other Entity) and the Committee agrees that such request should be satisfied, or if the Committee on its own wishes to disclose such Confidential Information to creditors, the Committee may demand (the "Demand") the disclosure of such Confidential Information for the benefit of the Debtors' creditors: (a) if the Confidential Information is information of the Debtors, by submitting a written request, each captioned as a "*Committee Information Demand*," to counsel for the Debtors, stating that such information will be disclosed in the manner described in the Demand unless the Debtors object to such Demand on or before fifteen (15) days after the service of such Demand; and, after the lodging of any

such an objection, the Committee, the Requesting Creditor (if one exists), and the Debtors may schedule a hearing with the Court seeking a ruling with respect to the Demand under 11 U.S.C. § 704(a)(7); and (b) if the Confidential Information is information of another Entity, by submitting a written request to such Entity and its counsel of record, with a copy to Debtors' counsel, stating that such information will be disclosed in the manner described in the Demand unless such entity objects to such Demand on or before fifteen (15) days after the service of such Demand; and, after the lodging of any such an objection, the Committee, the Requesting Creditor (if one exists), such Entity, and the Debtors may schedule a hearing with the Court seeking a ruling with respect to the Demand.

f. The Committee will not be required to provide access to information or solicit comments from any entity that has not demonstrated to the satisfaction of the Committee, in its sole discretion, or to the Court, that it holds claims of the kind described in section 1102(b)(3) of the Bankruptcy Code.

### END OF ORDER ###

Submitted by:

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