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*Proposed Counsel to the Official Committee
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re:

BENITAGO INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 23-11394 (SHL)

Jointly Administered

**CERTIFICATE OF NO OBJECTION REGARDING THE MOTION OF THE OFFICIAL
COMMITTEE OF UNSECURED CREDITORS FOR ENTRY OF AN ORDER
AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO
REDACT CONFIDENTIAL INFORMATION IN THE LIMITED OBJECTION AND
RESERVATION OF RIGHTS TO DEBTORS' MOTION FOR ENTRY OF INTERIM
AND FINAL ORDERS (I) AUTHORIZING THE DEBTORS TO (A) CONTINUE TO
OPERATE THEIR CASH MANAGEMENT SYSTEM, INCLUDING EXISTING BANK
ACCOUNTS, (B) HONOR CERTAIN PREPETITION OBLIGATIONS RELATED
THERE TO, (C) MAINTAIN EXISTING BANK ACCOUNTS AND UTILIZE EXISTING
BUSINESS FORMS, AND (D) CONTINUE TO PERFORM INTERCOMPANY
TRANSACTIONS, SUBJECT TO THE POSTPETITION ESCROW PROCEDURES; (II)
EXTENDING THE TIME TO COMPLY WITH, OR SEEK WAIVER OF 11 U.S.C.
SECTION 345(B), AND (III) GRANTING RELATED RELIEF**

¹ The last four digits of Benitago Inc.'s tax identification number are 4084. Due to the large number of debtors in these chapter 11 cases, a complete list of the debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors' claims and noticing agent at <https://cases.stretto.com/benitago>. The location of the Debtors' service address for purposes of these chapter 11 cases is: 1 Liberty Street, Ste. 320, New York, New York 10006.

Pursuant to 28 U.S.C. § 1746 and Rule 9075-2 of the Local Bankruptcy Rules for the Southern District of New York (the “**Local Rules**”), the Official Committee of Unsecured Creditors (the “**Committee**”) certifies as follows:

1. On or about August 30, 2023, the above-captioned debtors and debtors in possession (collectively, the “**Debtors**”) each filed a voluntary petition under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the Southern District of New York (the “**Court**”).

2. On October 3, 2023, the Committee filed the *Motion to File Under Seal the Limited Objection and Reservation of Rights of the Official Committee of Unsecured Creditors to Debtors' Motion for Entry of Interim and Final Orders (i) Authorizing the Debtors to (a) Continue to Operate Their Cash Management System, Including Existing Bank Accounts, (b) Honor Certain Prepetition Obligations Related Thereto, (c) Maintain Existing Bank Accounts and Utilize Existing Business Forms, and (d) Continue to Perform Intercompany Transactions, Subject to the Postpetition Escrow Procedures; (ii) Extending the Time to Comply With, or Seek Waiver of 11 U.S.C. § 345(b), and (iii) Granting Related Relief* [Dkt. No. 78] (the “**Motion**”). The Motion was filed on an ex parte basis pursuant to Judge Lane’s Chambers Rules, and no hearing or objection deadline with respect to the Motion was set at the time.

3. On October 3, 2023, true and correct copies of the Motion and a proposed order approving the Motion attached as Exhibit A to the Motion were served, as reflected in the *Certificate of Service* [Dkt. No. 81] filed by the Committee.

4. On October 4, 2023, the Committee conferred with Mr. Richard Morrissey of the United States Trustee’s office (the “**U.S. Trustee**”) and agreed to certain revisions to the proposed

order. On the same day, the Committee submitted a copy of the revised proposed order to Chambers.

5. On October 5, 2023, following further discussions with Mr. Morrissey, the Committee agreed to an additional revision to the proposed order and re-submitted a copy of the further revised proposed order to Chambers, attached hereto as **Exhibit A** (the “**Proposed Order**”). The Proposed Order in its current form resolves all of the U.S. Trustee’s comments, including to restyle the Motion from a “Motion to File Under Seal” to a “Motion to Redact Confidential Information.” A redline of the Proposed Order against the version of the initial proposed order filed as an attachment to the Motion is attached hereto as **Exhibit B**.

6. On October 13, 2023, the Committee conferred with the Debtors and agreed that cancellation of the upcoming Omnibus Hearing scheduled for November 16, 2023 (the “**November 16 Hearing**”) would be in the best interest of the parties involved. Subsequently, the Debtors filed the *Notice of Cancellation of Omnibus Hearing Scheduled for November 16, 2023* [Dkt. No. 203] (the “**Notice of Cancellation**”).

7. On the same day, the Committee provided an update to Chambers via e-mail, explaining that it had reached agreement with the Debtors to cancel the November 16 Hearing and requesting the Motion to be removed from the Court’s calendar for the November 16 Hearing and, to the extent the Court determines that a hearing on the Motion is necessary, adjourned to the next Omnibus Hearing scheduled for December 14, 2023 pursuant to the Notice of Cancellation.

8. At the request of the Court, the Committee now submits this Certificate of No Objection. As of the filing of this Certificate, no objection, responsive pleading, or request for a hearing with respect to the Motion and the relief requested therein has been: (a) filed with the Court on the docket of the above-captioned chapter 11 cases; or (b) served the Committee or its

proposed counsel. Moreover, no further comments were received on an informal basis from the U.S. Trustee or any other party.

9. Accordingly, the Committee respectfully requests entry of an order, substantially in the form of the proposed order attached hereto as **Exhibit A**, granting the relief requested in the Motion at the Court's earliest convenience.

Dated: November 15, 2023
New York, New York

Respectfully submitted,

/s/ Douglas Mannal

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*Proposed Counsel to the Official Committee of
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Exhibit A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re:

BENITAGO INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 23-11394 (SHL)

Jointly Administered

ORDER AUTHORIZING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO REDACT CONFIDENTIAL INFORMATION IN THE LIMITED OBJECTION AND RESERVATION OF RIGHTS TO DEBTORS' MOTION FOR ENTRY OF INTERIM AND FINAL ORDERS (I) AUTHORIZING THE DEBTORS TO (A) CONTINUE TO OPERATE THEIR CASH MANAGEMENT SYSTEM, INCLUDING EXISTING BANK ACCOUNTS, (B) HONOR CERTAIN PREPETITION OBLIGATIONS RELATED THERETO, (C) MAINTAIN EXISTING BANK ACCOUNTS AND UTILIZE EXISTING BUSINESS FORMS, AND (D) CONTINUE TO PERFORM INTERCOMPANY TRANSACTIONS, SUBJECT TO THE POSTPETITION ESCROW PROCEDURES; (II) EXTENDING THE TIME TO COMPLY WITH, OR SEEK WAIVER OF 11 U.S.C. SECTION 345(B), AND (III) GRANTING RELATED RELIEF

Upon consideration of the motion (the "**Motion to Redact**") of the Official Committee of Unsecured Creditors (the "**Committee**"),² and this Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334, and consideration of the Motion to Redact and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that notice of the Motion to Redact was reasonable and sufficient under the

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² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion to Redact [Dkt. No. 78].

circumstances, and the Court having determined that the legal and factual bases set forth in the Motion to Redact establish just cause for the relief granted herein; it is HEREBY ORDERED that:

1. The Motion to Redact is GRANTED.
2. The Committee is authorized to file the Limited Objection with confidential information redacted.
3. The Redacted Information contained in the Limited Objection shall remain under seal until further order of this Court. The unredacted version of the Limited Objection shall not be made available to any party without the consent of the Committee and the Debtors.
4. This Order is without prejudice to the rights of any party in interest, or the U.S. Trustee, to seek to unseal the Redacted Information.
5. The Committee shall submit an unredacted copy of the Limited Objection to the Clerk of the Court under seal in an envelope, marked to indicate that the same has been filed under seal by order of this Court.
6. Upon the passing of forty-five (45) days after the final disposition of these Chapter 11 Cases, the Committee shall reclaim all documents filed under seal or, alternatively, the Office of the Clerk of the Court shall be authorized to destroy the documents in a manner consistent with the need to preserve confidentiality.
7. The Committee is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.
8. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation of this Order.

Dated: _____, 2023
New York, New York

THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE