

MEMO ENDORSED

11/4/09
Mott
Granite

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____ x

In re

ENRON CREDITORS RECOVERY CORP., et al.,

Chapter 11
Case No. 01-16034 (AJG)
(Jointly Administered)

Reorganized Debtors.

_____ x
ALFA, S.A.B. de C.V.,

Appellant Defendant,

-against-

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/4/09

Case No.
09-CV-9031 (CM)

ENRON CREDITORS RECOVERY CORP.,

Appellee Plaintiff.

_____ x

ING VP Balanced Portfolio, Inc., and
ING VP Bond Portfolio, Inc.,

Appellant Defendants,

-against-

CHAMBERS OF
COLLEEN McMAHON

Case No.
09-CV-9030 (CM)

ENRON CREDITORS RECOVERY CORP.,

Appellee Plaintiff.

_____ x

UNOPPOSED MOTION TO SEAL OF APPELLEE ENRON CREDITORS RECOVERY CORP.

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TO THE HONORABLE COLLEEN MCMAHON
UNITED STATES DISTRICT JUDGE:

Appellee Enron Creditors Recovery Corp. (“Enron”) files this Motion and respectfully submits and represents as follows:

1. By this Motion, Enron seeks an order of the Court sealing certain documents filed as part of the briefing of the appeal in the above-entitled action.

2. Enron has consulted with the attorneys for Appellant Defendants ING VP Balanced Portfolio and ING VP Bond Portfolio (“ING”). ING does not oppose this motion to seal.

3. The proceedings below were governed by a confidentiality protective order issued by the Honorable Arthur J. Gonzalez. A true and correct copy of the most recent confidentiality protective is attached as Exhibit One. See Exhibit One: Amended Confidentiality Protective Order (Dec. 5, 2006).

4. Pursuant to that order, counsel for the parties were permitted to file under seal confidential materials by inscribing the documents with the phrase “Confidential – Subject to Court Order.” Id. at ¶18.

5. In filing their opening and reply briefs, Enron attempted to file its appendices under seal because they contained materials designated and protected as confidential before Judge Gonzalez. Enron was instructed by the Clerk of Court that Enron could not rely on the order issued by Judge Gonzalez, and that Enron should move this Court for an order sealing the confidential materials.

6. Whereas, Enron seeks to protect the confidentiality of sensitive and proprietary information in this case, Enron respectfully requests that the Court issue a similar Order directing the Clerk of Court to seal all documents designated by each of the parties as filed under seal.

