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Attorneys for Jonathan D. King as Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re: ZETTA JET USA, INC., a California corporation, Debtor.	Lead Case No.: 2:17-bk-21386-SK Chapter 7 Jointly Administered With: Case No.: 2:17-bk-21387-SK
In re: ZETTA JET PTE, LTD., a Singaporean corporation, Debtor.	Adv. Proc. Nos. 2:19-01147-SK and 2:19-01382-SK
JONATHAN D. KING, solely in his capacity as Chapter 7 Trustee of Zetta Jet USA, Inc. and Zetta Jet PTE, Ltd. Plaintiff, v. CAVIC AVIATION LEASING (IRELAND) 22 CO. DESIGNATED ACTIVITY COMPANY; and BOMBARDIER AEROSPACE CORPORATION, Defendants.	**TRUSTEE'S STATEMENT REGARDING MOTION FOR LEAVE TO FILE REVISED REDACTED PROPOSED CONSOLIDATED AMENDED COMPLAINT UNDER SEAL** <u>Hearing Date and Time</u>: Date: March 31, 2021 Time: 9:00 a.m. (PDT) Place: Courtroom 1575 255 East Temple Street Los Angeles, CA 90012

JONATHAN D. KING, solely in his capacity as Chapter 7 Trustee of Zetta Jet USA, Inc. and Zetta Jet PTE, Ltd.

Plaintiff,

v.

Jetcraft Corporation, Jetcraft Global, Inc., Jetcoast 5000-5 LLC, Orion Aircraft Holdings Ltd., Jetcraft Asia Limited, FK Group Limited, FK Partners Limited, Jahid Fazal-Karim, Bombardier Aerospace Corporation, Bombardier, Inc., and Learjet, Inc.,

Defendants.

The Trustee has moved to consolidate two adversary proceedings: (i) *King v. CAVIC Aviation Leasing (Ireland) 22 Co. Designated Activity Co.*, No. 2:19-ap-01147-SK (C.D. Cal. Bankr.) (*"CAVIC");* and (ii) *King v. Jetcraft Corp.*, No. 2:19-ap-01382-SK (C.D. Cal. Bankr.) (*"Jetcraft")*. [*CAVIC* Dkt. No. 184 and *Jetcraft* Dkt. No. 153.] The Trustee also submitted a Proposed Consolidated Amended Complaint as an exhibit to the motion to consolidate. [*CAVIC* Dkt. No. 216 and *Jetcraft* Dkt. No. 174.] In accordance with the Protective Order entered in *Jetcraft* [*Jetcraft* Dkt. No. 143], as well as LBR 5003-2 and the Court Manual § 2.8(b) in accordance with the Court's prior order in *CAVIC* [*CAVIC* Dkt. No. 88], the Trustee also moved to file the unredacted Proposed Consolidated Amended Complaint under seal. [*CAVIC* Dkt. No. 217 and *Jetcraft* Dkt. No. 175.]

In response, CAVIC Aviation Leasing (Ireland) 22 Co. Designated Activity Company ("CAVIC"), the Jetcraft and FK Defendants,[1] and Bombardier[2] submitted a Revised Redacted Proposed Consolidated Amended Complaint (the "Revised Redacted Complaint") along with declarations and other submissions in support. [*CAVIC* Dkt. Nos. 229 and 230 and *Jetcraft* Dkt. Nos. 185 and 186.]

The Trustee does not at this time object to the filing of the Revised Redacted Complaint under seal. However, the Trustee does not agree with the descriptions of the relevant allegedly

[1] The "Jetcraft and FK Defendants" are Jetcraft Corporation, Jetcraft Global, Inc., Jetcoast 5000-5 LLC, Orion Aircraft Holdings Ltd., Jetcraft Asia Limited, FK Group Ltd., FK Partners Limited and Jahid Fazal-Karim.

[2] "Bombardier" is Bombardier, Inc., Bombardier Aerospace Corporation, and LearJet, Inc.

confidential material in the Defendants' responses and supporting affidavits. The Trustee also does not agree that the designated information or documents are in fact confidential. The Trustee further does not agree that the reasons given for their alleged confidentiality are valid or accurate.

Nevertheless, the Trustee chooses not to address these issues at this time to allow the Court to focus on the merits of consolidation. To be sure, the Trustee fully reserves all rights under the Protective Order and applicable law to object to any confidentiality designations made by any Designating Party (including without limitation CAVIC) and to contest the statements made by each Designating Party whether in the context of confidentiality or in the context of the substantive claims in this case or otherwise. For the avoidance of doubt, the Trustee's reservation of rights expressly includes all documents attached to or referenced in the Revised Redacted Complaint as well as any purportedly confidential information contained in the Revised Redacted Complaint.

The Trustee believes that it will be more efficient for all parties to deal with objections to specific documents or any issues on the nature of each document and piece of confidential information addressed by the Defendants at a later time. Accordingly, while the Trustee understands that the Court must address the applications for the purposes of whether the Revised Redacted Complaint can be filed under seal, the Court's ruling should not have any law-of-the-case or precedential effect on the factual and other statements made by the Defendants in support of their applications.

Dated: March 17, 2021

DLA PIPER LLP (US)

/s/ John K. Lyons

David B. Farkas (SBN 257137)
John K. Lyons (admitted *pro hac vice*)
Jeffrey S. Torosian (admitted *pro hac vice*)
Joseph A. Roselius (admitted *pro hac vice*)

Attorneys for the Chapter 7 Trustee

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
DLA Piper LLP (US)
2000 Avenue of the Stars, Suite 400 North Tower
Los Angeles, CA 90067-4704

A true and correct copy of the foregoing document entitled *Trustee's Statement Regarding Motion for Leave to File Revised Redacted Proposed Consolidated Amended Complaint Under Seal* will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing documents were served by the court via NEF and hyperlink to the document. On March 17, 2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:
On March 17, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on March 17, 2021, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA HAND DELIVERY

VIA ELECTRONIC MAIL

(Party, who is being served if different, and email address for each)

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

March 17, 2021	William L. Countryman, Jr.	*/s/ William L. Countryman, Jr.*
Date	*Printed Name*	*Signature*

Counsel via Electronic Mail	
Bombardier Aerospace Corporation and Bombardier, Inc. Attn.: Matthew S. Walker Email: matthew.walker@pillsburylaw.com Attn.: Andrew Troop Email: andrew.troop@pillsburylaw.com Attn.: Carolina A. Fornos Email: carolina.fornos@pillsburylaw.com	**CAVIC Aviation Leasing (Ireland) 22 Co. Designated Activity Company** Attn.: Alan Watson Email: alan.watson@hklaw.com Attn.: Robert J. Labate Email: robert.labate@hklaw.com
United States Trustee Attn.: Dare Law Email: dare.law@usdoj.gov Attn.: Ron Maroko Email: ron.maroko@usdoj.gov Attn.: Jill Sturtevant Email: jill.sturtevant@usdoj.gov Attn.: Peter C. Anderson Email: peter.c.anderson@usdoj.gov	