

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

In re:

ATA Holdings Corp., et al.,
Debtors.

Chapter 11

Case No. 04-19866
(Jointly Administered)

**BCC EQUIPMENT LEASING CORPORATION'S MOTION TO ENFORCE
ORDER REGARDING CONFIDENTIAL INFORMATION**

BCC Equipment Leasing Corporation, on its behalf and on behalf of their subsidiaries and affiliates (hereinafter referred to as "BELC"), by and through their undersigned attorneys, hereby file this "*Motion to Enforce Order Regarding Confidential Information*" (the "Motion to Enforce Order"), and in support thereof, states as follows:

1. BELC, as a beneficiary, is party to numerous agreements relating to the lease of twelve 757 aircraft to the Debtors (collectively, the "BELC Agreements").¹ The BELC Agreements contain confidential, proprietary information.

2. On November 19, 2004, the Debtors filed their "*Emergency Motion for Order Authorizing Debtors to Provide Certain Leases and Other Material Contracts Containing Sensitive Information to Interested Parties Subject to Confidentiality and Use Protections*" (the "Motion to Provide Confidential Information"). On November 23, 2004, BELC filed its objection (the "BELC Objection") to the Motion to Provide Confidential Information.

3. On November 24, 2004, this Court entered its "*Order*" (the "November 24 Order"), which November 24 Order appears on the docket as docket number 489.²

¹ The party to the majority of the lease agreements is Wells Fargo Bank Northwest, as Owner Trustee. BELC is the beneficiary under those agreements and has the authority to direct what action Wells Fargo takes with respect to the leases and other agreements.

4. On November 29, 2004, the Debtors filed their “*Notice Regarding Maximum Cure Amounts*” (the “Notice of Cure Amounts”), which Notice of Cure Amounts purports to set out information regarding cure amounts for the Debtors’ leased aircraft.

5. The filing of the Notice of Cure Amounts was a direct violation of the Court’s November 24 Order, and reveals confidential information that is at the core of the matters that the parties negotiated prior to the entry of the Court’s November 24 Order. The Notice of Cure Amounts should accordingly be immediately removed from the docket, and should not be re-filed unless it is filed under seal pursuant to Bankruptcy Rule 9018.

6. The damage that the various aircraft lessors, including BELC, will occur due to the publication of the information in the Notice of Cure Amounts is potentially significant, and time is of the essence with respect to taking action to minimize the damage that has already occurred. A full discussion of the competitive nature of the aircraft industry and the potential damage regarding publication of confidential information is set out in the BELC Objection. Given the actuality of and potential for damage to the Debtors’ aircraft lessors, BELC would ask that the Notice of Cure Amounts be immediately removed from the docket, and the matter be taken up at the hearing currently scheduled for November 24, 2004, at 1:30 p.m. in Indianapolis.

² It appears that two identical orders were entered on November 24, 2004, appearing as docket numbers 489 and 502.

CONCLUSION

WHEREFORE, BELC respectfully requests that the Court enter an order: (i) removing the Notice of Cure Amounts, document number 504, from the docket, (ii) ordering the Debtor to re-file the Notice of Cure Amounts under seal pursuant to Bankruptcy Rule 9018, (iii) ordering BMC Group to remove the Notice of Cure Amounts from its website, if already made available on the website, and/or refrain from posting the Notice of Cure Amounts on its website, (iv) ordering the Debtor and BMC to not distribute the Notice of Cure Amounts to any party, unless and until all provisions of this Order are complied with, and only pursuant to the terms of the Court's November 24 Order, and (v) granting such other and further relief as the Court may deem proper.

DATED: November 30, 2004.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following counsel of record via first class United States mail, postage prepaid, and via e-mail, fax transmission, and electronic transmission, on this 30th day of November, 2004:

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