



SO ORDERED.

SIGNED this 16th day of November, 2012.

Dale L. Somers

Dale L. Somers
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

In re:

Dickinson Theatres, Inc.

Debtor.

Chapter 11

Case No. 12-22602 (DLS)

**ORDER DETERMINING THAT THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF DICKINSON THEATRES, INC. IS NOT
REQUIRED TO PROVIDE ACCESS TO CONFIDENTIAL
OR PRIVILEGED INFORMATION OF THE DEBTOR**

Upon the motion (the "Motion")¹ of the Official Committee of Unsecured Creditors (the "Committee") of Dickinson Theatres, Inc., the above-captioned debtor and debtor-in-possession (the "Debtor"), for entry of an order pursuant to sections 105(a), 107(b), and 1102(b)(3)(A) of the Bankruptcy Code and Bankruptcy Rule 9018 determining that the Committee is not required to provide access to the Confidential Information or Privileged Information to any creditor of the Debtor who is not a member of the Committee; and it

¹ Capitalized terms used but not defined in this order shall have the respective meanings ascribed to them in the Motion.

appearing that the relief requested in the Motion is in the best interests of the Debtor's estate, its creditors, and other parties in interest; and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and notice of the Motion and the opportunity for a hearing on the Motion being appropriate under the circumstances such that no other or further notice need be given; upon the record herein, after due deliberation thereon, good and sufficient cause exists for the granting of the relief as set forth herein,

IT IS HEREBY ORDERED THAT:

1. The Committee and its individual members and their respective representatives, agents, advisors, and counsel (each a "Committee Party" and collectively, the "Committee Parties") are not required to provide access to any Confidential Information concerning the Debtor, including (without limitation) with respect to the acts, conduct, assets, liabilities, and financial condition of the Debtor, the operation of the Debtor's business and the desirability of the continuance of such business, or any other matter relevant to this case or to the formulation of a plan, whether provided by or on behalf of the Debtor or by any third party, to any creditor who is not a member of the Committee.

2. Committee Parties shall not be required, without an order of this Court or consent of the Debtor, to provide access to any Privileged Information concerning the Debtor to any creditor who is not a member of the Committee. The Committee is authorized, but not required, to provide access to Privileged Information to creditors who are not members of the Committee so long as (a) such Privileged Information is not Confidential Information; and (b) the relevant privilege is held and controlled solely by the Committee.

3. None of the Committee Parties shall have or incur any liability to any entity (including the Debtor) for acts taken or omitted to be taken as long as the Committee Parties have acted in compliance with the Procedures, the Confidentiality Provision, or any other provisions of this Order; provided, however, that the foregoing shall not preclude or abridge the right of any creditor to move the Court for an order requiring the production of other or further information.

4. Nothing in this Order shall diminish the qualified immunity under applicable law of any Committee Party, or shall require the Committee to provide access to information or solicit comments from any entity that has not demonstrated to the satisfaction of the Committee that it holds claims of the kind described in section 1102(b)(3)(A) of the Bankruptcy Code.

5. Nothing in this Order expands, restricts, affirms, or denies the right or obligation, if any, of the Committee to provide access, or not to provide access, to any information of the Debtor or the Committee to any party except as explicitly provided herein.

6. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

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Submitted:

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