

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>	§	
	§	<b>CASE NO. 15-35615</b>
	§	
<b>RAAM GLOBAL ENERGY COMPANY, et al.,<sup>1</sup></b>	§	<b>(Chapter 11)</b>
	§	
	§	<b>(JOINTLY ADMINISTERED)</b>
<b>DEBTORS.</b>	§	

**EMERGENCY MOTION FOR  
ENTRY OF AN ORDER AUTHORIZING UPSTREAM EXPLORATION  
LLC TO FILE UNREDACTED VERSIONS OF TWO DOCUMENTS UNDER SEAL**

**THIS MOTION SEEKS ENTRY OF AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.**

**EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.**

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number were RAAM Global Energy Company [2973], Century Exploration New Orleans, LLC [4948], Century Exploration Houston, LLC [9624], and Century Exploration Resources, LLC [7252].

Upstream Exploration LLC (“Upstream”) respectfully states the following in support of this motion (this “Motion”).

### **Jurisdiction and Venue**

1. The United States Bankruptcy Court for the Southern District of Texas (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The bases for the relief requested herein are sections 105(a) and 107(b) of title 11 of the United States Code (the “Bankruptcy Code”) and rules 6003 and 9018 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

### **Relief Requested**

4. Upstream seeks entry of an order, substantially in the form attached hereto as **Exhibit A**, authorizing Upstream to file under seal unredacted versions of two documents filed contemporaneously herewith: (a) *Upstream Exploration LLC’s Response to WesternGeco, L.L.C.’s Motion to Partially Vacate (1) the Court’s Order Authorizing and Approving (A) Stalking Horse Purchase Agreement, (B) Bidding Procedures, (C) Procedures for Determining Cure Amounts for Executory Contracts and Unexpired Leases, and (D) Related Relief [Dkt. No. 180] and (2) Order (I) Authorizing and Approving the Debtors to Sell Substantially All of Their Property Free and Clear of All Rights, Liens, Claims, Interests, and Encumbrances, (II) Authorizing the Debtors to Assume and Assign Certain Executory Contracts and Unexpired Leases, and (III) Granting Related Relief [Dkt. No 377]* (the “Response”) and (b) *Declaration of Mark Wojna in Support of Upstream Exploration LLC’s Response* (the “Declaration”).

### **Background**

5. The Response and the Declaration contain information that may be considered commercially sensitive.

6. Out of an abundance of caution, Upstream filed redacted versions of the Response and the Declaration on the public docket. Upstream now seeks leave from the Court to file the unredacted Response and unredacted Declaration under seal.

### **Basis for Relief**

7. Although there is a strong presumption of public access to court records, access to judicial records is not without limit. *See Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978). Sections 105(a) and 107(b) of the Bankruptcy Code and Bankruptcy Rule 9018 permit a bankruptcy court to protect commercially sensitive information.

8. Under section 107(b) of the Bankruptcy Code, “On the request of a party in interest, the bankruptcy court shall . . . protect an entity with respect to a trade secret or confidential research, development, or commercial information.” 11 U.S.C. § 107(b)(1). Section 105(a) of the Bankruptcy Code empowers the Court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a).

9. Bankruptcy Rule 9018 implements section 107(b) of the Bankruptcy Code and provides that “the court may make any order which justice requires (1) to protect the estate or any entity in respect of a trade secret or other confidential research, development, or commercial information . . . .” Fed. R. Bankr. P. 9018.

10. To protect the commercial interests of all parties involved, the Court should exercise its discretion under sections 105(a) and 107(b) of the Bankruptcy Code and Bankruptcy

Rule 9018 and grant Upstream leave to file the unredacted Response and unredacted Declaration under seal.

**Emergency Consideration**

11. In light of the facts and circumstances of these chapter 11 cases, Upstream respectfully requests emergency consideration of this Motion.

**Conclusion**

12. Upstream respectfully requests that the Court enter an order substantially in the form attached hereto as **Exhibit A** and such other relief as the Court deems appropriate under the circumstances.

Dated: March 18, 2016

Respectfully Submitted,

*/s/ Zack A. Clement*

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Zack A. Clement (TX Bar No. 04361550)

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**CERTIFICATE OF SERVICE**

I certify that on March 18, 2016, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

*/s/ Zack A. Clement*

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Zack A. Clement