

- c. “Due to the sensitive nature of the documents propounded and uploaded to the Interest Data Room, the Court wants to stress to any party with access to the Interest Data Room the importance of complying with the Court’s *Amended Section 557 Procedures – Phase 2 Scheduling Order* (Dkt. #1800) regarding the prohibition on sharing the access information to outside parties.” Dkt. 1801 at 2 n.2.
- d. **“Documents must be used and disclosed solely for purposes of the discovery and hearing contemplated by the Section 557 Discovery Procedures.”** Dkt. 1801 at 2 (emphasis added).
- e. “This Order will take effect when entered and is binding upon all counsel of record and their law firms, all Participating Parties and all parties that filed an Official Form for Assertion of Interest in Grain and their respective counsel and employees, any Agents of any Participating Parties, and anyone else that receives any Documents pursuant to the Section 557 Discovery Procedures.” Dkt. 1801 at 2.

4. Based on the expedited discovery schedule and the Protective Order, the Participating Parties have uploaded large quantities of Documents to the Interest Data Room.

5. Examiner Albert Altro seeks access to all of this information “to investigate John Coleman, his assets, any and all payments made on behalf of John Coleman prepetition, and any other transfer of assets by John Coleman or on his behalf and compile and submit to the Court a report on related findings.” Dkt. 2641 ¶ 6. As admitted in the Motion, the Examiner does not seek this information for an approved purpose under the Protective Order. The Examiner is not a participant in the 557 proceedings.

6. To ensure adequate protections for the large quantity of Documents with sensitive information, and to be consistent with the Court’s prior orders, UMB respectfully requests that the Examiner be denied further access to the Interest Data Room and ordered to destroy any documents previously obtained from the Interest Data Room.

7. Given the sheer volume of information in the Data Room, in addition to being consistent with the Court’s prior orders, UMB suggests it would be more cost effective to the John

Coleman bankruptcy estate that the Examiner pursue more targeted discovery efforts that do not require broad access to all information in the Interest Data Room.

WHEREFORE, UMB requests the Court bar the Examiner from accessing the Interest Data Room in the future; order the Examiner to destroy any documents previously pulled from the Interest Data Room; and grant such other and further relief as is justified under the circumstances.

Date: April 1, 2022

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically through the Court's CM/ECF system and served electronically on all parties enlisted to receive service of electronic notice, and the Notice of Electronic Filing indicates that Notice was electronically mailed to all parties in interest.

SO CERTIFIED, this the 1st day of April 2022.

/s/ R. Spencer Clift III