

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF KENTUCKY
LEXINGTON DIVISION**

		Case No. 25-50863
		Chapter 11
In re	:	Small business case
Lexington Blue, Inc.	:	
Debtor	:	
	:	Hon. Gregory R. Schaaf
	:	United States Bankruptcy Judge

**DEBTOR’S RESPONSE TO THE UNITED STATES TRUSTEE’S OBECTION TO
DEBTOR’S MOTION FOR ENTRY OF AN INTERIM AND FINAL ORDER
AUTHORIZING THE FILING OF THE CONSUMER MAILING LIST UNDER SEAL**

Debtor (“LB” or the “company”), operated a roofing and restoration business. In the course of its business, Debtor secured approximately 263 contracts, (the “Customer Contracts”), with consumer client, (the “LB Customers”), under which there remain outstanding performance obligations by both the Debtor and the LB Customers. The Customer Contracts were secured with significant effort from and at significant expense to the company. Because LB is no longer operating, the Customer Contracts are the only tangible asset from which the LB Customers could be made whole. Debtor is committed to providing effective notice to all LB Customers in accordance with applicable bankruptcy law and in a manner that comports with the well-established elements of due process. However, disclosing the names and addresses of the LB Customers as part of the creditor matrix filed in the public record would threaten the estate’s value and any potential recovery by the LB Customers.

Pursuant to 11 U.S.C. § 107(b), a bankruptcy court “shall . . . protect an entity with respect to a trade secret or confidential research, development, or commercial information[,]” at the request of a party in interest. § 107(b). In *In re Frontier Grp., L.L.C.*, the debtor requested to seal the list of creditors on the grounds that it “contained within the List of Creditors [] the names

of some or all of the [individuals] who contract with the Debtor.” 256 B.R. 771, 773 (Bankr. E.D. Tenn. 2000). The contact information was the debtor’s primary asset, and the request to seal was made to protect against competitors’ ability to “view the list, identify its contracting [individuals], and recruit [them] away from the Debtor.” *Id.* The *In re Frontier* court granted the motion recognizing that “confidential commercial information need not rise to the level of a trade secret before it can be protected[,]” and that the mandatory language of § 107(b) required the court to grant the debtor’s motion to seal. *Id.* See also *In re Nunn*, 49 B.R. 963, 965 (Bankr. E.D. Va. 1985) (adopting a procedure by which parties and interest may request to view the debtor’s customer list which is otherwise protected from view under § 107).

The same is true in the instant case. The creditor matrix consists primarily of the names and addresses of the LB Customers. Indeed, Debtor’s Schedule A/B, once filed, will reflect that there no assets other than the Customer Contracts and the related customer information. If the creditor matrix is not sealed, the premature exposure of the LB Customer’s names and addresses to the marketplace would engender interference from competitors seeking to bypass the bankruptcy proceedings; thereby putting at risk the very assets from which the LB Customers could be made whole.

As stated in the motion, Debtor will allow a party-in-interest to view the creditor matrix upon the execution of a non-disclosure and non-solicitation agreement. Debtor has already shared the unredacted list with the Office of the US Trustee as well as the Office of the Kentucky Attorney General, in good faith and on the assumption that they will not share the list with the public at large.

Debtor does not seek to deprive any party-in-interest of their legitimate right to examine the Debtor's filings and evaluate the case as a whole. For these reasons, in addition to those provided in the Motion, Debtor respectfully requests the Court grant Debtor's motion.

Respectfully,

/s/ J. Christian Dennery

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Proposed Attorney for Debtor and Debtor in Possession

CERTIFICATE OF SERVICE

I Certify that the forgoing was served electronically on all persons registered to receive electronic notices through the Court's ECF System on June 24, 2025.

/s/ J. Christian Dennery