




Frank W. Volk, Chief Judge
United States Bankruptcy Court
Southern District of West Virginia
Dated: July 14th, 2020

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

In re:	:	
	:	
PANTHERA ENTERPRISES, LLC,	:	BK No. 2:19-BK-00787
	:	
Debtor.	:	Chapter 11
_____	:	
	:	
PANTHERA TRAINING, LLC, and	:	
WEST VIRGINIA ECONOMIC	:	
DEVELOPMENT AUTHORITY,	:	
	:	
Movants,	:	
	:	
v.	:	
	:	
PANTHERA ENTERPRISES, LLC,	:	
	:	
Respondent.	:	

PROTECTIVE ORDER

THIS DAY came the parties, Panthera Enterprises, LLC (hereinafter, "Debtor"), Panthera Training, LLC (hereinafter, "Training"), and the West Virginia Economic Development Authority (hereinafter, "WVEDA") and upon the Motion for Protective Order filed by Training herein they presented their arguments to the Court; and in consideration thereof, and for good cause shown it is NOW THEREFORE,

ADJUDGED, ORDERED and DECREED that:

1. Training's Motion for protective order should be and is hereby GRANTED; and

2. The discovery requests the Debtor has propounded upon Training and WVEDA, generally and those interrogatories and Requests for Production of Documents identified specifically in paragraphs 10 and 11 the Motion for a Protective Order, seek to elicit documents and information that Training asserts (1) is beyond the scope of the Joint Motion to Convert This Case to a Chapter 7 Proceeding for Cause Pursuant to 11 U.S.C. § 1112 (b) (1) or the Debtor's defenses thereto, (2) has no bearing on the bases for cause to convert, and (3) that is proprietary and confidential to Training;
3. To the extent that the discovery responses from Training or WVEDA contain the information described in paragraph 2 above, that information shall be subject to this Protective Order and shall be tendered in accordance with the terms hereof;
4. Training and WVEDA shall respond to the discovery requests identified in the Motion for a Protective Order as completely as possible as follows;
 - a. Training's internal quarterly financial statements shall be produced after being redacted to conceal all line items other than the line item displaying "gross receipts" and either "net income" or "net loss". In addition, Training shall produce copies of its accounting entries that recorded its receipt of payments of the invoices referenced in the Joint Motion to Convert (Dkt 132)
 - b. All communications containing the identity of Training's clients and prospective clients shall be redacted to conceal the identity of Training's client or prospective client and the nature of the contract work involved.
 - c. All communications describing training activities performed at the Facility shall be redacted to conceal the identity of the client and the details of work being performed.

- d. The production of communications and other financial records and documents related to Training's financial performance shall be limited to the production of the documents addressed in subparagraph 4.a. above.
5. The information and documents provided by Training or WVEDA pursuant to this Protective Order shall be marked "Confidential" and shall be used for purposes of discovery only and shall not be entered into evidence or otherwise used, disseminated, published or otherwise placed in the public domain in the absence of the Court's ruling admitting the documents into evidence;
6. The parties shall endeavor to resolve all issues pertaining to the information and documents described herein such that Training and WVEDA can provide the information and documentation sought and the Debtor can receive such information and documentation consistent with the terms and the tenor of this Protective Order; and
7. To the extent that the parties cannot agree upon the propriety of disclosure of certain documents or information, those documents or that information shall be submitted to the Court for consideration and action.

WE ASK FOR THIS:

/s/ Douglas E. Kahle
Douglas E. Kahle
Basnight, Kinser, Leftwich & Nuckolls, P.C.
308 Cedar Lakes Drive, Second Floor
Chesapeake, Virginia 23322
Telephone: (757) 547-9191
Facsimile: (757) 547-9135
E-mail: dkahle@basnightkinser.com
Counsel for Panthera Training LLC

/s/ Debra Lee Allen

Debra Lee Allen
Spilman, Thomas & Battle, PLLC
48 Donley Street, Suite 800
P.O. Box 615
Morgantown, West Virginia 26507-0615
Counsel for WVEDA

SEEN AND AGREED:

/s/ Mark A. Lindsay

Mark A. Lindsay
Bernstein-Burkley, P.C.
707 Grant Street, Suite 2200
Pittsburgh, Pennsylvania 15219
Counsel for the Debtor

SEEN AND AGREED:

/s/ Gary O. Kinder

Gary O. Kinder
Attorney, Office of U.S. Trustee
United States Courthouse, Room 2025
300 Virginia Street, East3
Charleston, West Virginia 25301
Counsel for the U.S. Trustee

In re:
Panthera Enterprises, LLC
Debtor

Case No. 19-00787-fwv
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0424-2

User: ad
Form ID: pdfdoc

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Total Noticed: 7

Date Rcvd: Jul 14, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 16, 2020.

db Panthera Enterprises, LLC, 2506 Fishpond Road, Old Fields, WV 26845
aty +Mark A. Lindsay, 707 Grant Street, Suite 2200, Pittsburgh, PA 15219-1945
cr +Darrick and Emily Gust, c/o Spencer D. Elliott, Lewis Glasser PLLC,
300 Summers Street Suite 700, Charleston, WV 25301, US 25301-1632
cr Panthera Training, LLC, 2506 Fish Pond Road, Old Fields, WV 26845
cr +SMI, LLC, 123 East Main Street, 5th Floor, Charlottesville, VA 22902-6800
cr +West Virginia Economic Development Authority, 180 Association DR, Charleston, WV 25311-1217
cr West Virginia State Tax Department, Bankruptcy Unit, P.O. Box 766,
Charleston, WV 25323-0766

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 16, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 14, 2020 at the address(es) listed below:

Debra Lee Allen on behalf of Creditor West Virginia Economic Development Authority
dallen@spilmanlaw.com
Debra Lee Allen on behalf of Defendant West Virginia Economic Development Authority
dallen@spilmanlaw.com
Douglas E. Kahle, Esq. on behalf of Creditor Panthera Training, LLC dkahle@basnightkinser.com
Douglas E. Kahle, Esq. on behalf of Counter-Claimant Panthera Training, LLC
dkahle@basnightkinser.com
Douglas E. Kahle, Esq. on behalf of Defendant Panthera Training, LLC dkahle@basnightkinser.com
Eric Michael Wilson on behalf of Creditor West Virginia State Tax Department
eric.m.wilson@wv.gov, lora.l.rutledge@wv.gov
Gary O. Kinder on behalf of U.S. Trustee United States Trustee gary.o.kinder@usdoj.gov
John J. Richardson on behalf of Plaintiff Panthera Enterprises, LLC
jrichardson@bernsteinlaw.com
John J. Richardson on behalf of Debtor Panthera Enterprises, LLC jrichardson@bernsteinlaw.com
John J. Richardson on behalf of Counter-Defendant Panthera Enterprises, LLC
jrichardson@bernsteinlaw.com
Julia A. Chincheck on behalf of Counter-Claimant Panthera Training, LLC
jchincheck@bowlesrice.com
Julia A. Chincheck on behalf of Creditor Panthera Training, LLC jchincheck@bowlesrice.com
Julia A. Chincheck on behalf of Defendant Panthera Training, LLC jchincheck@bowlesrice.com
Leslie Gallian leslie.gallian@wvsb.uscourts.gov
Lisa Smolder lisa_smolder@wvsb.uscourts.gov
Robert S. Bernstein, Esq. on behalf of Debtor Panthera Enterprises, LLC
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cwirick@bernsteinlaw.com; cwirick@ecf.courtdrive.com; rbernstein@ecf.courtdrive.com
Robert S. Bernstein, Esq. on behalf of Plaintiff Panthera Enterprises, LLC
rbernstein@bernsteinlaw.com,
cwirick@bernsteinlaw.com; cwirick@ecf.courtdrive.com; rbernstein@ecf.courtdrive.com
Salene Rae Mazur Kraemer on behalf of Debtor Panthera Enterprises, LLC
skraemer@bernsteinlaw.com, salene@ecf.courtdrive.com,
Salene Rae Mazur Kraemer on behalf of Counter-Claimant Panthera Enterprises, LLC
skraemer@bernsteinlaw.com, salene@ecf.courtdrive.com,
Spencer D. Elliott on behalf of Creditor Darrick and Emily Gust selliot@lgcr.com

District/off: 0424-2

User: ad
Form ID: pdfdoc

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Total Noticed: 7

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Travis Alan Knobbe on behalf of Creditor West Virginia Economic Development Authority
tknobbe@spilmanlaw.com, dambrose@spilmanlaw.com
United States Trustee ustpregion04.ct.ecf@usdoj.gov
William J. Leon on behalf of Counter-Defendant Bill V. Neff, Sr. jayleon@comcast.net
William J. Leon on behalf of Creditor SMI, LLC jayleon@comcast.net
William J. Leon on behalf of Plaintiff Bill V. Neff, Sr. jayleon@comcast.net
Zachary James Rosencrance on behalf of Defendant Panthera Training, LLC
zrosencrance@bowlesrice.com, ajones@bowlesrice.com
Zachary James Rosencrance on behalf of Creditor Panthera Training, LLC
zrosencrance@bowlesrice.com, ajones@bowlesrice.com
Zachary James Rosencrance on behalf of Counter-Claimant Panthera Training, LLC
zrosencrance@bowlesrice.com, ajones@bowlesrice.com

TOTAL: 28