

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT



In re:
FIBERMARK, INC.,
FIBERMARK NORTH AMERICA, INC., and
FIBERMARK INTERNATIONAL HOLDINGS, INC.,
Debtors.

Chapter 11 Case
04-10463
Jointly Administered

ORDER

DIRECTING THAT CERTAIN DOCUMENTS RELATED TO THE EXAMINER'S REPORT
(THAT WERE ORIGINALLY FILED UNDER SEAL) BE ENTERED ON THE COURT DOCKET

WHEREAS, on July 8, 2005, Harvey R. Miller, in his capacity as the Court appointed examiner (the "Examiner") filed his report with the Court under seal (doc. # 1623) (the "Report"); and

WHEREAS the transcripts of the hearings regarding the Report and various motions related to the Report were also filed under seal (collectively, the "Related Documents"); and

WHEREAS, on August 16, 2005, the Court issued a Memorandum of Decision (i) granting the motions to unseal the Report, (ii) denying the motions to seal the Report, and (iii) granting the alternative relief of redacting certain portions of the Report and adding a cautionary ledger to the Report (doc. # 1798) (the "August 16th Decision"); and

WHEREAS in the August 16th Decision, the Court indicated that it would issue a separate order applying the rationale of the August 16th Decision to the Related Documents and specifying which, if any, of the Related Documents would be entered on the public docket;

After due consideration of the record and analysis of each of the Related Documents, THE COURT FINDS that most of the Related Documents should be entered on the docket. Since the Report is part of the public record, there is no basis under § 107(b) for the Related Documents to be withheld from public access. Upon entry of this Order, each of the Related Documents that are to be unsealed shall be available to the public on the Court's docket as an attachment to the cover page or notice of filing which was publicly filed at the time the subject Related Document was filed under seal.¹

THE COURT FURTHER FINDS that in the interest of maintaining the confidentiality of those portions of the Report that have been redacted, and for the reasons set forth in the August 16th Decision, certain Related Documents will not be entered on the Court's docket or publicly available. In particular, the privilege logs, papers that quote verbatim from privilege logs, the Examiner's original [unredacted] Report and papers that quote that version of the Report, shall all remain under seal, pursuant to § 105.

¹ When serving this Order, the Debtor need not serve copies of the Related Documents that will become part of the Court's public docket, as they have already been served on the Interested Parties (as that term is defined in the August 16th Decision).

THEREFORE, IT IS HEREBY ORDERED that, pursuant to §107, the following Related Documents shall be entered onto the Court's docket in their entirety, except where otherwise indicated:

# 1649	July 13, 2005 Order Establishing Scheduling Order for Determination of Whether to Unseal Documents.
# 1651	Case Management Order Setting Forth the Court's Preliminary Response to the Examiner's Report.
# 1659	July 15, 2005 Order to Appear and Show Cause.
# 1667	Transcript of Hearing Held 7/12/2005. ²
# 1672	Debtors' Response to Sealed Order to Show Cause Dated July 15, 2005.
# 1696	Motion of Silver Point Capital, L.P. to Unseal the Examiner's Report. Declaration of Michael C. Harwood (with exhibits) Transmitting Evidence in Support of the Motion to Unseal the Examiner's Report.
# 1731	<i>Statement and Memorandum of Law of the United States Trustee in Support of Order Unsealing Report of Examiner - FILED UNDER SEAL</i> Filed by Kevin Purcell of Office of the US Trustee on behalf of U S Trustee.
# 1735	Debtors' Motion to Unseal Examiner's Report and Supporting Memorandum of Law.
# 1736	Opposition to <i>Post Advisory Group LLC to Unsealing of Examiner Report (FILED UNDER SEAL)</i> Filed by Karen Rinehart of O'Melveny & Myers LLP, Stephen H. Warren of O'Melveny & Myers LLP, Afi Ahmadi of Dinse, Knapp & McAndrew, PC on behalf of Post Advisory Group, LLC. EXHIBITS TO REMAIN UNDER SEAL
# 1737	Sealed Response to <i>Motions of Silver Point Capital L.P. and William Lautamus to Unseal Examiner's Report filed Under Seal</i> Filed by David W. Lynch on behalf of AIG Global Investment Corp. (<i>Note: This is the Same Document as 1738</i>) EXHIBITS TO REMAIN UNDER SEAL
# 1738	Response of AIG Global Investment Corp. to Motions to Unseal the Examiner's Report. EXHIBITS TO REMAIN UNDER SEAL
# 1739	Response of Akin Gump Strauss Hauer & Feld LLP to Motions to Unseal Examiner's Report. Filed by John R. Canney III on behalf of Akin Gump Strauss Hauer & Feld LLP.
# 1742	Notice of Intent to Submit Evidence file Under Seal Filed by David W. Lynch on behalf of AIG Global Investment Corp.
# 1749	Omnibus Reply of <i>Post Advisory Group, LLC to (1) Debtors' Motion to Unseal Examiner's Report, (2) Statement and Memorandum of Law of the United States Trustee in Support of Order Unsealing Report of Examiner, (3) Response of AIG Global Investment Corp. to Motions to Unseal Examiner's Report, and (4) Response of Akin Gump Strauss Hauer & Feld LLP to Motions to Unseal Examiner's Report;</i> and Declaration of Karen Rinehart. Filed by Karen Rinehart of O'Melveny & Myers LLP, Stephen H. Warren of O'Melveny & Myers LLP, Afi Ahmadi of Dinse, Knapp & McAndrew, PC on behalf of Post Advisory Group, LLC.

² At the July 12th status hearing, the Court proposed to accept the Examiner's findings and conclusions as proposed findings of fact and conclusions of law under Bankruptcy Rule 7052. However, after hearing the arguments of counsel and conducting independent research, the Court determined that justice and principles of due process required a different approach. See docs. ## 1651 and 1659.

# 1751	Sealed Reply <i>Memorandum in Support of Motion of Silver Point Capital, L.P. to Unseal the Examiner's Report</i> Filed by Robert S DiPalma on behalf of Silver Point Capital, LLC.
# 1752	Reply of <i>AIG Global Investment to Debtor's Motion to Unseal Examiner's Report</i> Filed by Paul R. DeFilippo of Wollmuth Maher & Deutsch LLP, David W. Lynch on behalf of AIG Global Investment Corp.
# 1753	<i>Debtors' Reply to Objections to Unsealing Examiner's Report</i> Filed by Jennifer Emens-Butler on behalf of FiberMark, Inc.
# 1776	Notice of Filing By Akin Gump Strausshauer & Feld LLP of Catalogs Detailing Attorney Client Matter and Attorney Work Product Included in Examiners Report. CATALOGS TO REMAIN UNDER SEAL
# 1780	Transcript of hearing on August 4, 2005.
# 1782	Amended Opposition to of <i>Post Advisory Group, LLC to Unsealing of Examiner's Report (FILED UNDER SEAL)</i> Filed by Karen Rinehart of O'Melveny & Myers LLP, Stephen H. Warren of O'Melveny & Myers LLP, Afi Ahmadi of Dinse, Knapp & McAndrew, PC on behalf of Post Advisory Group, LLC. EXHIBITS TO ORIGINAL MOTION REMAIN UNDER SEAL
# 1783	<i>Debtors' Motion to Strike or Disregard Catalogs Detailing Attorney-Client Matter and Attorney Work Product Included in the Examiner's Report. FILED UNDER SEAL.</i> Filed by Akin Gump Strauss Hauer & Feld LLP Filed by Jennifer Emens-Butler on behalf of FiberMark, Inc..
# 1785	Sealed Objection to <i>Catalogs Filed By Akin Gump Strauss Hauer & Feld LLP Detailing Attorney-Client Matter and Attorney Work Product Included In The Examiner's Report</i> Filed by Robert S DiPalma on behalf of Silver Point Capital, LLC.
# 1787	Limited Joinder of Wilmington Trust Company to (A) Debtors' Motion to Strike or Disregard Catalogs Detailing Attorney-Client Matter and Attorney Work Product Included in the Examiner's Report Filed by Akin Gump Strauss Hauer & Feld LLP and (B) Objection of Silver Point Capital, L.P. To Catalogs Filed by Akin Gump Strauss Hauer & Feld LLP Detailing Attorney-Client Matter and Attorney Work Product Included In The Examiner's Report. FILED UNDER SEAL. Filed by Rebecca A Rice on behalf of Wilmington Trust Company.
# 1793	Response of Akin Gump Strauss Hauer & Feld LLP to Debtors' Motion to Strike Catalogs Detailing Attorney-Client Matter and Attorney Work Product Included in the Examiner's Report and Objection of Silver Point Capital, L.P. to Catalogs Filed by Akin Gump Strauss Hauer & Feld LLP and the Limited Joinder of Wilmington Trust to the Foregoing


IT IS FURTHER ORDERED that, pursuant to §105, the following documents, or exhibits to documents, will remain under seal:

# 1629	Report of Harvey R. Miller, as Examiner Filed by Harvey R. Miller.
# 1734	[Corrected July 29, 2005] Report of Harvey R. Miller, Examiner.
# 1736	Exhibits To Opposition to <i>Post Advisory Group LLC to Unsealing of Examiner Report (FILED UNDER SEAL)</i> Filed by Karen Rinehart of O'Melveny & Myers LLP, Stephen H. Warren of O'Melveny & Myers LLP, Afi Ahmadi of Dinse, Knapp & McAndrew, PC on behalf of Post Advisory Group, LLC

# 1737	Exhibits To Sealed Response to <i>Motions of Silver Point Capital L.P. and William Lautamus to Unseal Examiner's Report filed Under Seal</i> Filed by David W. Lynch on behalf of AIG Global Investment Corp. (<i>Note: This is the Same Document as 1738</i>)
# 1738	Exhibits To Response of AIG Global Investment Corp. to Motions to Unseal the Examiner's Report.
# 1776	Catalogs Detailing Attorney Client Matter and Attorney Work Product Included in Examiner's Report Filed by Akin Gump Strauss Hauer & Feld, LLP

SO ORDERED.

August 31, 2005
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge