

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

IN RE:)	Chapter 11
)	
MOLL INDUSTRIES, INC., <i>et al.</i> , ¹)	Case No. 10-11371 (MFW)
)	
Debtors.)	Jointly Administered
)	
)	Objection Deadline: May 13, 2010 at 4:00 p.m.
)	Hearing Date: May 20, 2010 at 3:00 p.m.

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT on May 3, 2010, the Debtors filed their attached *Motion of the Debtors and Debtors in Possession for an Order Confirming that any Creditors' Committee Appointed in These Chapter 11 Cases is Not Authorized or Required to Provide Access to (i) Confidential Information of the Debtors or (ii) Privileged Information* (the "Motion") with the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court").

PLEASE TAKE FURTHER NOTICE that any objections to the Motion must be made in writing, filed with the Bankruptcy Court, 824 Market Street, Wilmington, Delaware 19801 and served so as to actually be received by the undersigned counsel for the Debtors on or before **May 13, 2010 at 4:00 p.m. prevailing Eastern time.**

PLEASE TAKE FURTHER NOTICE that a hearing on the Motion will be held before the Honorable Mary F. Walrath at the Bankruptcy Court, 5th Floor, Courtroom 4, on **May 20 2010 at 3:00 p.m. prevailing Eastern time.**

¹ The Debtors in these cases are as follows: Moll Industries, Inc., Case No. 10-11371 (MFW); Moll Holdings, Inc., Case No. 10-11372 (MFW); Moll Europe Holdings, LLC, Case No. 10-11373 (MFW); and Moll Latin America Holdings, LLC, Case No. 10-11374 (MFW).

PLEASE TAKE FURTHER NOTICE THAT IF NO OBJECTION OR OTHER RESPONSE TO THE MOTION IS TIMELY FILED IN ACCORDANCE WITH THE PROCEDURES SET FORTH ABOVE, THE BANKRUPTCY COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT IN THE MOTION WITHOUT FURTHER NOTICE OR A HEARING.

Dated: May 3, 2010
Wilmington, Delaware

SULLIVAN · HAZELTINE · ALLINSON LLC

/s/ William A. Hazeltine

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*Proposed Attorneys for the Debtors and
Debtors-in-Possession*

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IN RE:)	Chapter 11
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MOLL INDUSTRIES, INC., <i>et al.</i> , ¹)	Case No. 10-11371 (MFW)
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Debtors.)	Jointly Administered
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)	Objection Deadline: May 13, 2010 at 4:00 p.m.
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MOTION OF THE DEBTORS FOR AN ORDER CONFIRMING THAT ANY CREDITORS' COMMITTEE APPOINTED IN THESE CHAPTER 11 CASES IS NOT AUTHORIZED OR REQUIRED TO PROVIDE ACCESS TO (I) CONFIDENTIAL INFORMATION OF THE DEBTORS OR (II) PRIVILEGED INFORMATION

Moll Industries, Inc. and its affiliated debtors (the “Debtors”), debtors and debtors-in-possession in the above captioned Chapter 11 cases, file this motion (the “Motion”) for entry of an order pursuant to sections 107(b) and 1102(b)(3)(A) of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”), and Rule 9018 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”): (i) confirming that any creditors’ committee appointed in these chapter 11 cases under section 1102(a) of the Bankruptcy Code (any such committee, a “Committee”), is not authorized or required, pursuant to section 1102(b)(3)(A) of the Bankruptcy Code, to provide access to the Debtors’ confidential and/or other non-public proprietary information, or to privileged information, to its constituents; and (ii) granting certain related relief. In support of this Motion, the Debtors respectfully state as follows:

¹ The Debtors in these cases are as follows: Moll Industries, Inc., Case No. 10-11371 (MFW); Moll Holdings, Inc., Case No. 10-11372 (MFW); Moll Europe Holdings, LLC, Case No. 10-11373 (MFW); and Moll Latin America Holdings, LLC, Case No. 10-11374 (MFW).

JURISDICTION

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

2. On April 27, 2010 (the “Petition Date”), each of the Debtors filed a voluntary petition pursuant to Chapter 11 of the Bankruptcy Code commencing the above captioned cases, which are being jointly administered for procedural purposes only. The Debtors are operating as debtors-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

3. No committee has yet been appointed or designated.

4. The Debtors are a significant provider of global injection molding and full-service contract manufacturing solutions for the medical, appliance, industrial, consumer and automotive markets. They are also specialists in drug delivery, surgical devices, enclosures and fluid delivery products, and are considered one of the most experienced full-service contract manufacturer of custom injection molded components and assemblies to the appliance industry in North America. They have registered medical device establishment with the FDA in their manufacturing facilities in Seagrove, North Carolina and Donegal, Ireland.

SECTION 1102(b)(3)(A) OF THE BANKRUPTCY CODE

5. Section 1102(b)(3) of the Bankruptcy Code states, in relevant part, that a creditors’ committee appointed under section 1102(a) of the Bankruptcy Code shall “provide access to information for creditors who (i) hold claims of the kind represented by that committee; and (ii) are not appointed to the committee.” 11 U.S.C. § 1102(b)(3)(A). Section 1102(b)(3)(A)

of the Bankruptcy Code does not indicate how a creditors' committee should provide access to "information" and more importantly, does not indicate the nature, scope or extent of the "information" that a creditors' committee must provide to the creditors that it represents.

6. The lack of specificity in section 1102(b)(3)(A) of the Bankruptcy Code creates significant issues for debtors and creditors' committees. Typically, a debtor will share significant confidential and other non-public proprietary information with a creditors' committee to assist the committee in fulfilling its role in the chapter 11 process (the "Confidential Information"). Creditors' committees may use this information to assess, among other things, a debtor's capital structure, opportunities for the restructuring of the debtor's business in its chapter 11, the results of any operations of the debtor in the bankruptcy case and the debtor's overall prospects for reorganization under a chapter 11 plan.

7. In addition, creditors' committees typically execute confidentiality agreements or enter into similar arrangements with debtors. Through these agreements and other arrangements, a debtor can ensure that the committee and its members and advisors will keep the debtor's sensitive information confidential and will not use confidential information except in connection with the chapter 11 case on terms reasonably acceptable to the debtor. The Debtors expect that the Creditors' Committee, and any other Committee that may be appointed in these cases, will enter into similar confidentiality agreements and arrangements.

8. Because section 1102(b)(3)(A) of the Bankruptcy Code is silent as to the treatment of confidential information, it raises the issue of whether a creditors' committee could be required, as part of its new information sharing obligations, to share a debtor's confidential information with any creditor among its constituency. Nothing in the statute requires such a result. Nonetheless, given the importance of the issue and the obvious need to protect

Confidential Information from disclosure, the Debtors hereby seek an order of the Court confirming that section 1102(b)(3)(A) of the Bankruptcy Code does not authorize or require a Creditors' Committee to provide creditors with access to Confidential Information.

9. The enactment of section 1102(b)(3)(A) of the Bankruptcy Code also raises a related information sharing issue: whether a creditors' committee could be required to share information with any creditor that the committee represents where that information is subject to the attorney-client privilege or similar state, federal or other, jurisdictional law privilege and whether such privilege is solely controlled by the committee or is a joint privilege with the debtor or some other party (collectively, "Privileged Information"). Again, the statute and legislative history do not suggest that such a requirement exists. Nonetheless given the importance of this issue to the ability of any Committee to function effectively in these chapter 11 cases, the Debtors similarly seek clarification that any Committee is not authorized or required to provide creditors with access to Privileged Information. The Debtors submit that a Committee would be permitted, but not required, to provide access to Privileged Information to any party, provided that (a) such Privileged Information is not Confidential Information and (b) the relevant privilege is held and controlled solely by the Committee.

RELIEF REQUESTED

10. By this Motion, the Debtors seek the entry of an order confirming that a Committee is not authorized or required, pursuant to section 1102(b)(3)(A) of the Bankruptcy Code, to provide access to Confidential Information or Privileged Information to any constituent that the Committee represents. Such relief not only will assist in preserving and maximizing the value of the Debtors' estates, but also protect a Committee by allowing it to review Confidential

Information and obtain privileged advice of counsel without the risk of violating the Bankruptcy Code by refusing to provide such information to its constituents generally.

11. The Debtors operate in a highly competitive industry and commonly rely on confidential and proprietary information in the conduct of its business. As such, the dissemination of Confidential Information to parties who are not bound by any confidentiality agreements could have disastrous results for the Debtors. If the Debtors' general creditors could require a Committee to give them access to Confidential Information in the Committee's possession, such information easily could become public and could be used by the Debtors' competitors and other parties to the direct detriment to the Debtors, their business operations and the estates.

12. There can be little doubt that the public dissemination of Confidential Information would cause serious harm to the Debtors' estates. Among other things, disclosure of business costs and proprietary practices could allow competitors to compete for business on an unfair basis. In addition, other Confidential Information, such as compensation levels or other employee information, is of a sensitive nature, and public disclosure of such information would cause morale and similar problems for the Debtors, and potentially violate federal and state privacy laws.

13. If there were a risk that Confidential Information given by the Debtors to a Committee could be disclosed to any constituent, the Debtors would be strongly discouraged from giving Confidential Information to a Committee in the first place. In fact, the Debtors likely would conclude that it could not give any such information to a Committee for fear of the substantial adverse impact that would result from such disclosure.

14. The inability of a Committee to gain access to Confidential Information, in turn, would limit the ability of the Committee to fulfill its statutory obligations under the Bankruptcy Code. Thus, the relief sought by the Debtors is not only necessary to preserve and protect Confidential Information for the benefit of the Debtors, but also will ensure that such information can be shared with any Committee to allow any such Committee to fulfill its role in these cases. The requested relief will permit any Committee and its advisors to enter into confidentiality agreements with the Debtors without the fear that individual constituents could force them to breach such arrangements. A Committee should not be put in the position of either violating the statute or breaching the confidentiality and thereby subjecting itself to suit by the Debtors and potentially other parties.

15. The Debtors and any Committee face similar risks if a Committee could be required to provide constituents with access to Privileged Information. If there is risk that Privileged Information would be turned over to constituents generally, with the possible loss of the relevant privilege at that time, the entire purpose of such privilege would be eviscerated, and a Committee would be unable to obtain the independent and unfettered advice and consultation that such privileges are designed to foster. As a result, a Committee would be hampered in its inability to fulfill its statutory role in these chapter 11 cases.

STATUTORY AUTHORITY FOR THE RELIEF REQUESTED

16. As noted above, nothing in section 1102(b)(3)(A) of the Bankruptcy Code itself, nor in the legislative history thereto, indicates that a Committee is required to provide Confidential Information or Privileged Information to all creditors it represents. In addition, section 107(b)(1) of the Bankruptcy Code provides that “on 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 107(b)(1) of the Bankruptcy Code is further supported by Bankruptcy Rule 9018, which states, in relevant part, that “on motion or on its own initiative, with or without notice, the court may make any order which justice requires 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. Section 107(b)(1) of the Bankruptcy Code is mandatory. *See, e.g. Video Software Dealers Ass’n v. Orion Pictures Corp.*, 21 F.3d 24, 27 (2d Cir. 1994) (providing that the protections of section 107(b)(1) of the Bankruptcy Code are mandatory upon request. As a result, under Section 107(b)(1) of the Bankruptcy Code and Bankruptcy Rule 9018, this Court is empowered to protect Confidential Information and Privileged Information from disclosure to general creditors.

17. The relief requested herein will not interfere with a Committee’s ability to provide information to its constituents pursuant to section 1102(b)(3)(A) of the Bankruptcy Code. The Debtors believe that a Committee will be able to efficiently provide its constituents with access to relevant public information concerning the Debtors and their chapter 11 cases, including pleadings filed with this Court, the Debtors’ schedules and statements of financial affairs that will be filed in these cases, the Debtors’ monthly operating reports and analyses or summaries prepared by the Committee based on non-confidential, non-privileged information. Therefore, notwithstanding the relief requested herein, the Debtors creditors will have access to a wealth of relevant information to permit a Committee to satisfy the purposes and requirements of section 1102(b)(3)(A) of the Bankruptcy Code.

NOTICE

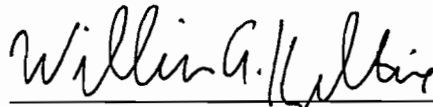
18. Notice of this Motion has been served on (i) the Office of the United States Trustee for the District of Delaware; (ii) each of the Debtors' twenty largest unsecured creditors and/or their counsel; (iii) counsel for NexBank, SSB, as Administrative Agent and Collateral Agent for the Debtors' pre-petition secured lenders, and (iv) all parties that have requested special notice pursuant to Bankruptcy Rule 2002. Notice of the Motion and any order entered hereon will be served on all parties required by Local Rule 9013-1(m).

CONCLUSION

WHEREFORE, the Debtors respectfully request entry of an order, substantially in the form attached hereto as Exhibit A: (i) granting relief requested herein; and (ii) granting to the Debtors such other and further relief the Court may deem proper.

Date: May 3, 2010
Wilmington, DE

SULLIVAN · HAZELTINE · ALLINSON LLC



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Proposed Attorneys for Debtors and Debtors-in-Possession

Exhibit A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

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)	
MOLL INDUSTRIES, INC., <i>et al.</i> , ¹)	Case No. 10-10-11371 (MFW)
)	
Debtors.)	Jointly Administered
)	
)	Related Docket Item: __

**ORDER CONFIRMING THAT ANY CREDITORS' COMMITTEE APPOINTED IN
THESE CHAPTER 11 CASES IS NOT AUTHORIZED OR REQUIRED
TO PROVIDE ACCESS TO (I) CONFIDENTIAL INFORMATION
OF THE DEBTORS OR (II) PRIVILEGED INFORMATION**

Upon consideration of the motion (the "Motion") of the above-captioned debtors and debtors-in-possession for entry of an order pursuant to sections 107(b) and 1102(b)(3)(A) of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the "Bankruptcy Code"), and Rule 9018 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") for an order confirming that any Committee² appointed in these chapter 11 cases is not authorized or required to provide access to Confidential Information; and the Court having considered the Motion; the Court having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (ii) venue is proper in this district pursuant 1409, (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b) and (iv) notice of the Motion was sufficient under the circumstances; after due deliberation the Court having determined that the relief requested in the Motion is necessary and essential for the Debtor's reorganization and such relief is in the best interest of the Debtors, their estates and creditors; and good and sufficient cause having been shown;

¹ The Debtors in these cases are as follows: Moll Industries, Inc., Case No. 10-11371 (MFW); Moll Holdings, Inc., Case No. 10-11372 (MFW); Moll Europe Holdings, LLC, Case No. 10-11373 (MFW); and Moll Latin America Holdings, LLC, Case No. 10-11374 (MFW).

² Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED**.
2. No Committee (whether operating through its members, advisors or other agents) shall be authorized or required, pursuant to section 1102(b)(3)(A) of the Bankruptcy Code, to provide access to any Confidential Information to any creditor constituent.
3. No Committee (whether operating through its members, advisors or other agents) shall be authorized or required, pursuant to section 1102(b)(3)(A) of the Bankruptcy Code, to provide access to any Privileged Information to any party, provided, however, that a Committee may provide access to Privileged Information that is not Confidential Information and the relevant privilege is held and controlled solely by the Committee.
4. Nothing in this Order shall expand, restrict, affirm or deny the right or obligation, if any, of a Committee to provide access, or not to provide access, to any information of the Debtors to any party except explicitly provided herein. The entry of this Order is without prejudice to the rights of a Committee to seek a further order of the Court addressing any additional relief relevant to its compliance with 1102(b)(3)(A) of the Bankruptcy Code.

Dated: May ____, 2010
Wilmington, Delaware

THE HONORABLE MARY F. WALRATH
UNITED STATES BANKRUPTCY JUDGE

File a Motion:10-11371-MFW Moll Industries, Inc.

Type: bk

Chapter: 11 v

Office: 1 (Delaware)

Assets: y

Judge: MFW

Case Flag: PlnDue, DsclsDue

U.S. Bankruptcy Court**District of Delaware**

Notice of Electronic Filing

The following transaction was received from William A. Hazeltine entered on 5/3/2010 at 4:53 PM EDT and filed on 5/3/2010

Case Name: Moll Industries, Inc.**Case Number:** 10-11371-MFW**Document Number:** 44**Docket Text:**

Motion for Order Providing the Creditors' Committee is Not Authorized to Provide Access to Confidential or Privileged Information of the Debtors Filed by Moll Industries, Inc.. Hearing scheduled for 5/20/2010 at 03:00 PM at US Bankruptcy Court, 824 Market St., 5th Fl., Courtroom #4, Wilmington, Delaware. (Hazeltine, William)

The following document(s) are associated with this transaction:

Document description:Main Document**Original filename:**C:\fakepath\CC Not Authorized Motion.pdf**Electronic document Stamp:**

[STAMP bkecfStamp_ID=983460418 [Date=5/3/2010] [FileNumber=8415084-0]
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5f26bf251d90c57c1b2f2115ef1161d3e217709c7abb762112b0eaf7b0]]

10-11371-MFW Notice will be electronically mailed to:

William A. Hazeltine on behalf of Debtor Moll Industries, Inc.
Bankruptcy001@sha-llc.com

Richard W. Riley on behalf of Creditor NexBank, SSB
rwiley@duanemorris.com

Sommer Leigh Ross on behalf of Creditor NexBank, SSB
slross@duanemorris.com

United States Trustee
USTPREGION03.WL.ECF@USDOJ.GOV

10-11371-MFW Notice will not be electronically mailed to:

Delaware Claims Agency, LLC
230 North Market Street
Wilmington, DE 19801