

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

In re:

RADIOSHACK CORPORATION, *et al.*,¹

Debtors.

)
) Chapter 11
)
) Case No. 15-10197 (BLS)
)
) (Jointly Administered)
)
)
) **Relates to Docket No. 1668**
) **Hearing Date: _____**
) **Objection Deadline: _____**

**MOTION FOR ORDER EXPEDITING CONSIDERATION OF, AND SHORTENING
THE NOTICE PERIOD APPLICABLE TO, THE MOTION OF THE STATE OF TEXAS
FOR CASE MANAGEMENT ORDER PERTAINING TO ANY SALE OF
PERSONALLY IDENTIFIABLE INFORMATION**

Comes now the State of Texas (the “State”), by and through the Texas Attorney General’s Office, and respectfully files this Motion for Order Expediting Consideration of, and Shortening the Notice Period Applicable to, the Motion of the State of Texas for Case Management Order Pertaining to Any Sale of Personally Identifiable Information (the “Case Management Motion” at Dkt. 1668). In support of its request for Expedited Consideration, the State asserts as follows:

1. The Debtors initially sought to sell Personally Identifiable Information (“PII”) in this case as part of their *Second Motion for (I) an Order (A) Establishing Bid Procedures for the Sale of Certain Lease Assets, and (B) Granting Certain Related Relief and (II) an Order (A) Approving*

¹ The Debtors are the following eighteen entities (the last four digits of their respective taxpayer identification numbers follow in parentheses): RadioShack Corporation (7710); Atlantic Retail Ventures, Inc. (6816); Ignition L.P. (3231); ITC Services, Inc. (1930); Merchandising Support Services, Inc. (4887); RadioShack Customer Service LLC (8866); RadioShack Global Sourcing Corporation (0233); RadioShack Global Sourcing Limited Partnership (8723); RadioShack Global Sourcing, Inc. (3960); RS Ig Holdings Incorporated (8924); RSignite, LLC (0543); SCK, Inc. (9220); Tandy Finance Corporation (5470); Tandy Holdings, Inc. (1789); Tandy International Corporation (9940); TE Electronics LP (9965); Trade and Save LLC (3850); and TRS Quality, Inc. (5417). The address of each of the Debtors is 300 RadioShack Circle, Fort Worth, Texas 76102.

the Sale of Certain Lease Assets Free and Clear of Liens, Claims, Encumbrances and Other Interests, and (B) Granting Certain Related Relief (Dkt.779; filed March 3, 2015).

2. At that time, the State filed a Limited Objection to the Sale of PII (Dkt. 1393)² and the Debtors pulled the PII from the proposed sale at the start of the auction; however, it became clear from argument and testimony elicited at the Sale Hearing that a future sale of PII remained a possibility in this case.

3. Despite the fact that there was no pending motion to sell PII at the time, in light of the continued probability of such a sale, the State filed its Case Management Motion on April 1, 2015 and set it in the ordinary course.³ On the same day, the undersigned reached out to Debtors' counsel and other interested parties to ascertain their position upon and/or suggested edits to the proposed Case Management Order.⁴

4. The undersigned has continued to reach out to Debtors' counsel to ascertain their position on both (a) the sale of PII in this case and (b) the terms of the proposed Case Management Order, but, to date, Debtors have not responded substantively.

5. On April 10, 2015, the Debtors filed their motion styled *Debtor's Combined Motion for Entry of Orders: (I) Establishing Bidding and Sale Procedures; (II) Approving the Sale of Certain IP and Related Assets; and (III) Granting Related Relief* (Dkt. 1768) which states that the Debtors

² The Limited Objection was formally joined by the State of Tennessee (Dkt. 1434), the Commonwealth of Pennsylvania (Dkt. 1517) and the State of Oregon (Dkt. 1520). In addition, thirty-two other governmental (consumer protection) entities have written letters expressing their support for the Limited Objection, copies of which have been provided to the Court at Dkt. 1505 and 1559.

³ A copy of the Case Management Motion is attached for the Court's convenience as Exhibit B.

⁴ On April 3, 2015, Debtors' counsel advised the undersigned (in response to an inquiry about whether the Debtors still intended to sell PII) that the Debtors are, "[I]n the process of setting a timeline for the sale of Debtors' IP, which may include the sale of consumer data." *Email from Jones Day Attorney Paul Green to Assistant Attorney General Hal Morris*, dated April 3, 2015, copy attached hereto as Exhibit A.

intend to market consumer data in connection with the proposed sale (the Debtors' "Motion to Sell" at para. 4). Given that the Motion to Sell is set on an expedited basis and will be heard well in advance of the hearing set on the State's Case Management Motion, the State respectfully contends its Case Management Motion should be heard on an expedited basis and sufficiently in advance of the date of the hearing on any sale of PII so that the relief requested could be addressed and, if granted, afforded to the State and other interested parties.

6. Accordingly, the State seeks to expedite consideration of, and shorten the notice period applicable to, its Case Management Motion pursuant to Rule 9006 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and Rule 9006-1 of the Local Rules of Practice and Procedure for the United States Bankruptcy Court for the District of Delaware. Specifically, the State of Texas respectfully requests that this Court (i) schedule a hearing on the Case Management Motion for _____, 2015, which is prior to the hearing set for Debtors' Motion to Sell; and (ii) direct that objections or other responses to the Case Management Motion be filed and served upon the relevant parties no later than _____, 2015 at _____ p.m.

7. The State will continue to endeavor to work with the Debtors and other interested parties on the terms of the requested Case Management Order.

8. Pursuant to Local Rule 9006-1(e), the Court may rule upon this Motion to Expedite without the need for a hearing and the state respectfully requests the Motion to Expedite be granted without hearing.

WHEREFORE, the State of Texas respectfully requests that grant its Motion to Expedite and for such other relief as is just and proper.

Respectfully Submitted,

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