

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re:

**SPIRIT AVIATION HOLDINGS,
INC., et al.**

Debtors

Case No. 25-11897 (SHL)

Chapter 11

Jointly Administered

**MOTION BY THE ELECTRONIC PRIVACY INFORMATION CENTER &
SEEMA N. PATEL FOR LEAVE TO PARTICIPATE AS *AMICI CURIAE* IN
SUPPORT OF THE SUPPLEMENTAL LIMITED OBJECTION OF THE
ASSOCIATION OF FLIGHT ATTENDANTS-CWA, AFL-CIO**

The Electronic Privacy Information Center and Seema N. Patel respectfully move for leave to appear as *amici curiae* and file the proposed amicus brief, attached hereto, in support of the Supplemental Limited Objection of the Association of Flight Attendants-CWA, AFL-CIO (“AFA-CWA”). Docket No. 1656.

STATEMENT OF INTEREST AND IDENTITY OF *AMICI CURIAE*

The Electronic Privacy Information Center (“EPIC”) is a nonpartisan, nonprofit organization established in 1994 to protect privacy, freedom of expression, and democratic values in the information age. EPIC’s mission is to secure the fundamental right to privacy in the digital age for all people through advocacy, research, and litigation. EPIC regularly advocates in courts and legislatures for stronger privacy protections for everyone, including consumers and workers. *See*

Consumer Privacy, EPIC (2026);¹ *Worker Privacy*, EPIC (2026).² In its advocacy, EPIC draws on its deep expertise in state privacy laws and the implementation and impact of data protection principles and privacy-enhancing technologies, including methods of deidentification. *See, e.g.*, Brief of *Amicus Curiae* EPIC, *Alabama v. U.S. Dep’t Commerce*, No. 21-cv-211 (M.D. Ala. 2021); *Big Data*, EPIC (2026).³

Professor Seema N. Patel is an Associate Professor of Law at the University of California College of Law, San Francisco. Drawing on her years of litigation, policy advocacy, and teaching experience, including extensive collaboration with workers, labor unions, and worker centers, her scholarship centers on the relationship between technology and employment, including the impacts of “privacy-preserving” tools on worker well-being. *See* U.C. College of Law San Francisco, *Seema N. Patel* (2026).⁴

Amici have an interest in this proceeding as longtime advocates for workplace and privacy rights. The sale proposed by the parties would disseminate copious amounts of Spirit Airlines employees’ personal information. To *amici*’s knowledge, no employer has attempted to sell its employees’ data as an asset in bankruptcy prior to the instant case. *Amici* are concerned that the proposed sale, if approved by this

¹ <https://epic.org/issues/consumer-privacy/>.

² <https://epic.org/issues/data-protection/workplace-privacy/>.

³ <https://epic.org/issues/consumer-privacy/big-data/>.

⁴ <https://www.uclawsf.edu/people/seema-patel/>.

Court, would create both unnecessary risks to the privacy of the debtor's employees and a negative incentive for employers across the country to collect and retain as much information as possible for their own potential bankruptcies. This incentive would pose significant privacy and data security risks.

ARGUMENT

Federal Rule of Bankruptcy Procedure 8017, incorporating the standard of Federal Rule of Appellate Procedure 29, governs the standard for filing a brief as *amici curiae*. The most relevant portions of Rule 8017 suggest that a brief from parties such as EPIC and Professor Patel may be accepted either by leave of court or if all parties have consented (FRBP 8017(a)(2)); that the motion should state the movant's interest and the reason why an *amicus* brief is desirable and relevant (FRBP 8017(a)(3)); and must be filed no later than seven days after the principal brief of the party being supported is filed (FRBP 8017(a)(6)). The decision whether to permit a person to appear as *amicus curiae* is committed to the Court's broad discretion. *Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities*, 550 B.R. 241, 256 (S.D.N.Y. 2016) (citing *Picard v. Greiff*, 797 F.Supp.2d 451, 452 (S.D.N.Y. 2011)). "The usual rationale for *amicus curiae* submissions is that they are of aid to the court and offer insights not available from the parties." *Id.*

The proposed *amici* brief by EPIC and Professor Patel meets all three conditions. Because not all parties consented to the filing of this brief, it is being submitted pending a motion for leave to file from the Court. EPIC has stated its interest and is filing the brief seven days after the AFA-CWA filed its Supplemental Limited Objection to the Proposed Sale of the Deidentified Data on September 24, 2026. Docket No. 1656.

EPIC and Professor Patel seek to submit an *amici* brief to provide the Court with background on the efficacy of deidentification measures and the risks of selling employee data, and to offer expert perspective on the impacts of such a sale. The proposed brief is desirable and relevant to the court because of EPIC and Professor Patel's unique experience and expertise on data protection measures generally, on consumer and employee privacy, and on deidentification measures like those proposed by the parties. EPIC and Professor Patel respectfully submit that the proposed brief would be helpful to this Court in deciding whether to approve this sale.

CONCLUSION

For the foregoing reasons, EPIC and Professor Patel respectfully requests this Court's leave to appear as *amici curiae* and deem the proposed amici brief filed.

Dated this 1st Day of October 2026.

Respectfully submitted,

/s/ Thomas McBrien

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