



## United States Bankruptcy Court Eastern District of California

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### Restrict/Redact or Seal?

The majority of documents that are filed in the Bankruptcy Court are available through PACER for public viewing. There are some notable exceptions, such as Social Security Statements and Tax Returns, and all documents in cases filed prior to December 1, 2003 that are now redacted, but almost everything else is easily viewable.

Other documents that are not accessible on PACER include those that have been restricted/redacted or sealed by order of the court. There is some confusion regarding the difference between restriction or redaction and sealing, so this article will clarify the reason for each.

Items are ***restricted or redacted*** to address privacy concerns resulting from public access to case files. Items that can lead to the restriction or redaction of an image include the following:

- Social Security Numbers or Tax I.D. Numbers;
- An individual's birth date;
- The name of a minor;
- A financial account number.

The process for having an image restricted or redacted requires the filing of a motion and proposed order with the court, and the payment of a \$25.00 fee. If an item in a closed case needs to be restricted or redacted, there is no fee to reopen the case, but a motion to reopen does need to be filed with the court.

There is no need to submit a proposed order reopening the case because the Clerk's Office generates these.

In order to avoid the need to redact or restrict documents at a later time, the court suggests that you use the following guidelines when preparing pleadings, petitions, or claims for filing:

- Only use the last four digits of a Social Security Number or Tax I.D. Number (other than on the Statement of Social Security Number);
- If it is necessary to include information regarding a debtor's birthday, include only the year of birth;
- Use initials for any minor that is referenced in a bankruptcy matter (e.g., minor children of the debtor);
- Use only the last four digits of any financial account number.

The court will ***seal*** a document when it has information that needs to remain private, but does not fall into the above criteria. Examples of items that may be sealed include, but are not limited to, settlement agreements in adversary proceedings or documents that include trade secrets. Documents are usually sealed after a motion to seal is made to the court, and sometimes before the document to be sealed is filed with the court. There is no fee to file a motion to seal.

## Section 1328 Certificate

In October 2016, the court held Open Houses at our three divisional offices in Sacramento, Fresno, and Modesto, as well as in Redding and Bakersfield. We had many good suggestions from attorneys and their staff. One of these suggestions will be implemented by the Clerk's Office shortly.

When a Chapter 13 case is completed, the Chapter 13 Trustee mails out a *Notice to Debtor of Completed Plan Payments*, which includes a certificate that must be completed by the debtor (EDC Form 3-190). For several years, our certificate could only accommodate one debtor's responses, which meant that in joint cases, the debtors or their attorneys had to make a copy of the form, and then file one certificate for each debtor with the court in order to be eligible for discharge. As a result of suggestions from our Open House meetings, the EDCA has modified the form in order to accommodate one or both debtors. This change has been implemented, and the form will be mailed out in all cases going forward and will also be available on our website under Forms & Publications. Please note that we will still continue to accept the outdated form, as only the format of the form has changed, not the information being requested.

## Audio Files on PACER

Beginning in October 2016, the Bankruptcy Court for the Eastern District of California began docketing audio files of certain court hearings. Not all matters will have audio files on the docket, and it is entirely up to the discretion of the judge hearing the matter to determine whether an audio file will be docketed.

Matters that have an audio file docketed have the symbol of a speaker at the beginning of the docket entry. To access the audio file, click on the document number of the entry. This will bring up a PDF that contains the case name and number, along with information regarding the matter. The audio file is an attachment to the PDF, so you will click on the paper clip or attachment icon to display a link to the file.

Audio files are included with the free look e-mails. With a free look, you can listen to the audio file free of charge the first time. You can also download the audio file to your own computer so that you don't have to pay to listen to it again. If you do not receive a free look e-mail (for example, if your attorney has not yet made an appearance in a case), there is a \$2.40 flat rate per matter, regardless of how long the audio file is.

There is additional information about audio files the attorney page on our website, including how to open attachments in different browsers. You can also contact the help desk if you have any questions.

### *Did you know?*

**The court recently modified our Roster of Governmental Agencies (EDC Form 2-785) with updated addresses for governmental agencies. If you find that an address is incorrect, please e-mail the Help Desk at [Efilers\\_Helpdesk@caeb.uscourts.gov](mailto:Efilers_Helpdesk@caeb.uscourts.gov)**