

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

PACER ACCESS RESTRICTIONS TO CERTAIN CLOSED BANKRUPTCY CASES

On September 14, 2010, the Judicial Conference amended the policy on privacy and public access to electronic case files by restricting public access through the Public Access to Court Electronic Records (PACER) Service to documents in bankruptcy cases that were filed before December 1, 2003, and have been closed for more than one year, with the following conditions:

- a. The docket sheet and docket information will remain available to the general public via PACER.
- b. Any party that has filed a notice of appearance in an individual case will have CM/ECF access to all filings in that case.
- c. All documents in such cases will remain accessible at the clerk's office, except those under seal. In response to a request for a document, the clerk's office will provide a printed copy by mail, or at the front counter via a public access terminal, upon submission of the requisite copy work fee as provided in the existing Bankruptcy Court Fee Schedule.
- d. CM/ECF users will be able to continue accessing documents remotely.
- e. Access to documents in bankruptcy case appeals filed in the district court or in the court of appeals for matters which were filed in the bankruptcy court prior to December 1, 2003, will be similarly restricted.

At its session held in September 2011, the Judicial Conference approved the following exception to this PACER access restriction on bankruptcy filings:

Access may be granted pursuant to a judicial finding that such access is necessary for determining class member certification, subject to the following limitations to be set forth in the judge's order:

- Access limited to a particular identified list of cases or a specified universe of cases (e.g., lift stay motions filed by a specified lender in a limited period of time);
- Time limitations on the period of access (corresponding to the scope and number of potential cases involved);
- Inclusion of a verified statement of counsel that access would be solely for the purpose of determining class member status and that counsel is aware that unauthorized use is prohibited and may result in sanctions; and
- Any other conditions, limitations, or direction that the judge deems necessary under the specific circumstances of the request.