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ADV. NUMBER: 99-1144

JUDGE: M. A. Mahoney

PARTIES: Betty Ann Dean, First Union Mortgage Corporation

CHAPTER: 13

ATTORNEYS: M. Hall, C. A. Graham, J. N. Leach, R. J. Pope

DATE: 12/6/01

KEY WORDS:

PUBLISHED:

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA

In Re

BETTY ANN DEAN
Debtor.

Case No. 00-11321

BETTY ANN DEAN
Plaintiff,

vs.

Adv. No. 99-1144

FIRST UNION MORTGAGE
CORPORATION
Defendant.

**ORDER GRANTING MOTION TO OPEN ACCESS TO COURTROOM
WITH EXCEPTIONS**

Michael Hall, Movant, Birmingham, AL
Christina A. Graham, Attorney for Movant, Birmingham, AL
John N. Leach, Helmsing, Leach, Herlong, Newman & Rouse, P.C., Attorney for First
Union Mortgage Corporation, Mobile, AL
Russell J. Pope, Pope & Hughes, Attorney for First Union Mortgage Corporation,
Towson, MD

This case is before the Court on the motion of Michael Hall seeking to open access to courtrooms. This Court has jurisdiction to hear this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Order of Reference of the District Court. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and the Court has authority to enter a final order. For the reasons indicated below, the Court is granting the motion except to the extent that any party to the suit designates any documents or testimony that a party believes is covered by the Protective Order entered in this case and this Court does not rule is not covered.

All of the parties to this suit entered into a protective order at the commencement of discovery in this case which stated that it applied to:

confidential business or technical information; personal information, including personal financial information about any party to this lawsuit or employees of any party to this lawsuit; information regarding any individual's banking relationship with any banking institution, including, without limitation, information regarding the individual's mortgage, or mortgage insurance; and, any financial information, not otherwise available to the public, regarding any party.

Case law allows protection of confidential commercial information from public disclosure.

Wilson v. American Motors Corp., 759 F.2d 1568 (11th Cir. 1985); *Publicker Industries, Inc. v. Cohen*, 733 F.2d 1059 (3rd Cir. 1984). Cases involving governmental agencies have also protected personal financial information that does not need to be disclosed, even when statutes allowed disclosure. *Borucki v. Ryan*, 827 F.2d 836, 846 (1st Cir. 1987).

The trial in this case is now concluded. The Court believes much of the evidence is not subject to these exceptions as confidential commercial or personal information. Therefore, the movant is able to attend the trial of proceedings in this case and view all exhibits offered at trial and all materials in the file without limitations on disclosure except as to materials or facts that First Union Mortgage Corporation or the plaintiffs specifically request be shielded pursuant to the Protective Order. Any such shield request must be made in writing to Michael Hall within 30 days of the date of this order as to documents submitted to the Court and testimony offered prior to December 5, 2001. If there is any dispute as to whether items are covered by the Protective Order, either party may move the Court for a ruling.

IT IS ORDERED that the motion for open access to courtrooms is GRANTED except that any party to this case may designate specific documents or testimony that that party believes is sheltered by the Protective Order within 30 days of the date of this order or 30 days of any later submissions to the Court. The list of protected materials must be served upon Michael Hall

and the other parties to this suit. If any party disputes that the material or testimony is covered by the Order, that party may move the Court for a ruling.

Dated: December 6, 2001

MARGARET A. MAHONEY
CHIEF BANKRUPTCY JUDGE