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OPINION NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re:) Case No. 2:12-bk-47961 RK
MING CHOW,)
Debtor.) Chapter 7
MEMORANDUM DECISION AND ORDER
DENYING MOTION TO REOPEN CASE
[No hearing required]

Pending before the court is the Motion of Movant Ming Chow to reopen this bankruptcy case filed on August 6, 2015. By the Motion, Movant seeks to reopen this bankruptcy case, which is not his bankruptcy case as he represents that he is not the Debtor in this case, but that this is the bankruptcy case of another person of the same name, in order to “file a motion under Bankruptcy Code Section 522(f) to expunge and annul the bankruptcy filing” (Docket No. 18) (the “Motion”).

Movant represents that he shares the name and last four digits of his social security number with Debtor, but that Debtor’s bankruptcy filing has negatively affected

1 Movant's credit record. Motion at 3-4. In the Motion, Movant states: "I have the same
2 name as the purported bankrupt in the herein matter. My name is Chinese in origin and
3 not an uncommon name in my native born country. I am not the same Ming Chow who
4 filed this bankruptcy proceeding and am suffering from erroneous credit reporting and the
5 herein bankruptcy proceeding appears on my credit report and grossly impugns my credit
6 standing in the community." Motion at 3.

7 Having carefully considered the moving papers, the court determines that the
8 Motion to reopen this bankruptcy case may be ruled upon without hearing pursuant to
9 Local Bankruptcy Rule 5010-1(e) and the Motion should be denied for the following
10 reasons. A motion to reopen a bankruptcy case may be denied when there is no legal
11 basis for granting the relief requested. 4 Ahart, March, and Shapiro, *California Practice*
12 *Guide: Bankruptcy*, ¶ 23:130 at 23-16 (2014), citing, *In re Cortez*, 191 B.R. 174, 179 (9th
13 Cir. BAP 1995). Movant has not provided any legal basis for granting the requested
14 relief. Movant's citation to 11 U.S.C. § 522(f) as a basis for "expungement" of bankruptcy
15 records is unavailing because that statute applies to the avoidance of certain judicial liens
16 and nonpossessory, nonpurchase-money security interests and does not provide for the
17 "expungement", or the purging, of public bankruptcy court records. By "expungement,"
18 Movant apparently is seeking relief that the court annul another person's bankruptcy case
19 and "expunge," or purge, the public record of the filing of that case, including all records
20 of actions in that case, on the court's case docket because the similarity of his name and
21 the Debtor's name is alleged to have negatively affected his credit record due to the
22 latter's bankruptcy filing.

23 Movant's request to purge judicial records is an extraordinary request in light of the
24 strong public policy for public access to public documents, including judicial records. See
25 11 U.S.C. § 107(a); 2 Resnick and Sommer, *Collier on Bankruptcy*, ¶ 107.02 at 107-4
26 (16th ed. 2015). As *Collier on Bankruptcy* notes, "Bankruptcy Code section 107(a)
27 codifies the public's general right under common law to inspect and copy public
28 documents, including judicial records. As the Supreme Court recognized in *Nixon v.*

1 *Warner Communications, Inc.*, the basis for this right to access is not a proprietary
2 interest in the information but, rather, the public's interest in monitoring the workings of
3 the judicial system. The existence of such rights has been called 'fundamental to a
4 democratic state.' Section 107(a) provides that, subject to exceptions in section 107 and
5 section 112, all papers filed in a case under title 11 [of the United States Code] and the
6 dockets of a bankruptcy court are public records and open to examination by an entity at
7 reasonable times without charge." 2 Resnick and Sommer, *Collier on Bankruptcy*, ¶
8 107.02 at 107-4, *citing inter alia*, *Nixon v. Warner Communications, Inc.*, 435 U.S. 589,
9 597-598 (1978). While the court is sympathetic to Movant's claim that the Debtor's
10 bankruptcy case filing negatively affects his credit record in the view of third-party credit
11 reporting agencies due to an apparent confusion of identities, the court, in its own
12 research, could not find any legal basis for granting Movant the requested relief, that is,
13 to annul another party's bankruptcy case and purge the public records of this court in that
14 case, which document the litigation actions in the judicial system for that case, for which
15 records the public has the right to access. Therefore, the court determines that
16 reopening the case for the purpose of considering relief sought by Movant for which there
17 is no legal basis would be futile.

18 Accordingly, the Motion is DENIED without prejudice. The denial is without
19 prejudice in case that Movant identifies and requests some alternative form of relief for
20 which there is a proper legal basis.

21 IT IS SO ORDERED.

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24 Date: September 16, 2015



Robert Kwan
United States Bankruptcy Judge