

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re

Case No. 6:01-bk-00533-ABB
Chapter 11

EVERGREEN SECURITY, LTD.,

Debtor.

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ORDER

This matter came before the Court on the Motion to Preserve the Audio Recording of the August 28, 2007 Sanctions Hearing & Memorandum of Law (Doc. No. 1724) (“Motion”) filed by Peter R. Ginsberg and Peter R. Ginsberg, P.C. (collectively, “Movant”) requesting the tape recordings made by the court reporter Cindy Vachon (“Reporter”) of the August 28, 2007 evidentiary hearing conducted in this case “be preserved.”¹

Reporter is the owner of Accredited Court Reporters, which is a contract employee of the Court pursuant to Contract Number 113A-05-002 as authorized by 28 U.S.C. Section 753(g). Reporter records Court proceedings verbatim by machine (stenotype) shorthand. Reporter created tape recordings of the August 28, 2007 hearing for back up purposes for her own convenience.

Any electronic sound recordings made by a court reporter for the reporter’s own convenience constitute the reporter’s personal property pursuant to The Guide to Judiciary Policies and Procedures.² The Reporter’s tapes constitute the personal property

¹ Motion at ¶ 12.

²The Guide to Judiciary Policies and Procedures, Volume 6, Court Reporters Manual, Chapter 16, Section 16.5.4 provides: “Back up tapes made by court reporters for their own convenience and not otherwise required by 28 USC § 753 are the personal property of the court reporters. There is no public entitlement to these recordings, with the exception of recordings of arraignments, changes of plea, and sentencings which are covered in section 16.5.1.” The Guide to Judiciary Policies and Procedures is the official medium by which guidance and information is provided to the Judiciary in support of its day-to-day operations. The Guide also codifies policies which are promulgated by the Director of the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States.

of Reporter. There is no public entitlement to these recordings. The Movant’s Motion is due to be denied.

Accordingly, it is

**ORDERED, ADJUDGED and
DECREED** that the Movant’s Motion (Doc. No. 1724) is hereby **DENIED**.

Dated this 2nd day of January, 2008.

/s/Arthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Judge