

bankruptcy and needs continued access to the documents to do so, and responds to each paragraph of the motion with the number of the response corresponding to the number of the allegation. Anything not specifically admitted should be deemed denied:

1. Admit.
2. Admit except that Docket No. 27 is not currently accessible to the public and Mr. Wathen is unable to admit or deny its contents after reasonable investigation. Although Mr. Wathen believes that it does contain that report. Mr. Wathen does not have a working copy of this document although one was downloaded earlier but the pages are blank.
3. Admit Debtor is not a small business. Regardless, it is wrong to deny the public and the media access to public court documents filed by a member of Congress who should be held to a higher standard of disclosure. It would seem that the First Amendment of the U.S. Constitution and the Freedom of Information Act if it applies would prevent sealing this document. Also there has been no cause cited for the sealing.

Congressman Hinojosa has also obtained special treatment by the U.S. Trustee with their agreement of a waiver of the requirement to use only Debtor In Possession bank accounts and he is not required to list the case number or the phrase "Debtor in Possession" on his checks (Docket No. 24). Mr. Wathen does not dispute that Congressman Hinojosa filed bankruptcy for legitimate reasons and needs that relief, but he should receive it on the same terms as anybody else except that he should be subject to a higher standard of disclosure given that he

holds an public office of trust. This is especially the case given how Congressman Hinojosa voted for the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) which placed a number of burdens on those filing bankruptcy. It is only fair to those of Congressman Hinojosa's constituents who are themselves in bankruptcy and burdened by BAPCPA that he also be subject to the same provisions he voted for as well as other requirements of Debtors including the most important one disclosure that existed prior to BAPCPA.

Additionally the original petition is the document that commences the case and has legal significance under the Bankruptcy Code. Sealing it would be unfair not only to the media and to the public but also to creditors and other litigants trying to determine if the case was properly commenced by a filing of a petition that substantially complies with the official form. No part of it can be sealed without prejudice. The public, the media, and especially the voters of Congressman Hinojosa's district have the right to know what is contained in his entire bankruptcy petition.

The tax return has already been redacted to comply with Rule 9037 which provides adequate protections for sensitive information. Congressman Hinojosa has failed to state any rationale for sealing these documents or made any kind of showing of why it would be harmful to leave these documents publicly accessible.

Furthermore the Petition has already been published anyway, so sealing it will not benefit the Debtor:

<http://sanantoniobankruptcyattorneylawyerinformation.com/faq/wp-content/uploads/2011/02/1Petition.pdf>

Congressman Hinojosa may take the position that this information is available through his office to the public, but that begs the question why then is he trying to withhold it on PACER? Why should Congressman Hinojosa have control over who has access to it? The answer is that he should not because the public has an interest in having access to this information.

Therefore, the Mr. Wathen as a member of the public and of the press maintains that the motion should be denied for the reasons stated above.

Respectfully Submitted,

2/21/11
Date

/s/ Alexander B. Wathen
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CERTIFICATE OF SERVICE

I certify that on February 21, 2011, I have or am contemporaneously serving a copy of these documents with all attachments on those entities listed below either by first class mail or through the Clerk by electronic mail.

2/21/11
Date

/s/ Alexander B. Wathen
Alexander B. Wathen

BY ELECTRONIC MEANS THROUGH THE CLERK OR BY FIRST CLASS MAIL:

Any entities receiving ECF notices.