

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DARREN DEL NERO,**

*Plaintiff,*

v.

**NCO FINANCIAL SYSTEMS, INC.,**

*Defendant.*

**Case No. 2:06-cv-04823-JDW**

**ORDER**

**AND NOW**, this 12th day of August, 2021, upon consideration of Plaintiff Darren Del Nero's<sup>1</sup> Application to File Under Seal and Motion For Reconsideration of Ex Parte Motion to Seal Records (ECF No. 16), the Court notes as follows:

1. Plaintiff Darren Del Nero's Fair Debt Collection Practices Act case was dormant for more than 8 ½ years. Then, on May 24, 2021, Mr. Del Nero filed a motion asking the Court to seal the entire record and redact certain identifying information such as his name, address, and email address. On June 10, 2021, the Court granted Mr. Del Nero's motion in part and permitted him to submit docket entries that redact his street and email addresses. However, the Court denied Mr. Del Nero's request to seal the entire

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<sup>1</sup> Mr. Del Nero's filings indicate that he utilizes various aliases including Darren Del Nero, Darren Chaker, Darren Chaker-Del Nero, and David Hunter.

record or replace his name with a pseudonym. Now, Mr. Del Nero asks the Court to reconsider that decision.

2. As an initial matter, Mr. Del Nero's Motion for Reconsideration is untimely. That is because "[m]otions for reconsideration ... shall be served and filed within fourteen (14) days after the entry of the order concerned, other than those governed by Federal Rule of Civil Procedure 59(e)." L. R. Civ. P. 7.1(g). Motions for reconsideration governed by Rule 59(e) "must be filed no later than 28 days after the entry of the judgment." Fed. R. Civ. P. 59(e). Mr. Del Nero filed his Motion for Reconsideration 60 days after the Court issued its Order refusing to seal the entire record. Thus, Mr. Del Nero's motion is untimely under both rules.

3. Even if Mr. Del Nero's Motion for Reconsideration were timely, it would fail on the merits. A court may reconsider a prior ruling only if the moving party shows (1) an intervening change in the controlling law, (2) the availability of new evidence that was not available when the court issued its order, or (3) the need to correct a clear error of law or fact or to prevent manifest injustice. *See Kelly v. RealPage, Inc.*, Case No. 2:19-cv-1706-JDW, 2021 WL 37722, at \*2 (E.D. Pa. Jan. 5, 2021). Mr. Del Nero has not made any of the requisite showings to warrant reconsideration.

4. *First*, Mr. Del Nero has not identified any intervening change in controlling law. Instead, he repeats many of the same legal arguments he made in his original motion, which is insufficient. *See id.* ("A motion for reconsideration may not be used to give a

litigant a 'second bite at the apple' on an argument on which it did not prevail the first time."). While Mr. Del Nero attaches a few intervening decisions where other courts sealed some or all of the filings in those cases, none of those decisions are binding on this Court, and therefore the decisions do not constitute a change in controlling law.

5. *Second*, Mr. Del Nero's new evidence does not change the Court's prior analysis. To support his Motion for Reconsideration, Mr. Del Nero attached text messages that he received on June 11, 2021, the day after the Court issued its Order. According to Mr. Del Nero, the text messages contain "photos of headless males," and he believes that the "Bulgarian Mafia" sent him these photos in an effort to intimidate him for his cooperation with law enforcement in a pending criminal matter. (ECF No. 16 at 7.) However, as the Court set forth in its prior Memorandum, sealing Mr. Del Nero's identity in this case will not shield him from further harassment. *Del Nero v. NCO Fin. Sys., Inc.*, No. 06-cv-4823-JDW, 2021 WL 2375892, at \*2 (E.D. Pa. June 10, 2021). The people who have targeted Mr. Del Nero know who he is, and, apparently, have his phone number as well. The Court cannot change that with a sealing order. The harassment of Mr. Del Nero, as disturbing as it may be, has nothing to do with Mr. Del Nero's involvement in this case, and sealing this case or Mr. Del Nero's identify in this matter will not shield him from further harassment.

6. *Third*, Mr. Del Nero has not identified a clear error of law or fact or asserted that a manifest injustice will result if the Court denies reconsideration. To satisfy this

burden, Mr. Del Mero “must establish ‘an error ... that is direct, obvious, [ ] observable’ and ‘apparent to the point of being indisputable.’ ‘In order for a court to reconsider a decision due to manifest injustice, the record presented must be so patently unfair and tainted that the error is manifestly clear to all who view it.’” *Haymaker v. Reliance Standard Life Ins. Co.*, No. 15-cv-6306, 2016 WL 3258439, at \*2 (E.D. Pa. June 14, 2016) (quotations omitted). Mr. Del Nero fails to meet this burden. Instead, he continues to rely on California laws that do not govern the Court’s analysis and does not assert any colorable basis for the Court to depart from the governing standards set forth by the Third Circuit.

7. The Court notes that despite Mr. Del Nero’s protestations regarding the need to keep his identifying information secret, he has not submitted for filing any redacted versions of documents that contain his street or email address, as permitted by the Court’s Order. Also, Mr. Del Nero maintains a fairly robust public presence online. Indeed, a simple Google search has identified at least two websites that appear to belong to him, and those sites contain pictures of him and links for visitors to contact him on his various social media accounts such as Facebook, flickr, LinkedIn, StackExchange, Twitter, Vimeo, and Pinterest. See <https://www.darrenchaker.com/> (last accessed on Aug. 11, 2021); <https://www.darrenchaker.us/> (same). Even Mr. Del Nero’s motion references the fact that he provided an interview to Fox News as a witness to a violent crime, and he included a link to view that interview online. (ECF No. 16 at 7 n.9.) None of this conduct is consistent with the relief that Mr. Del Nero seeks in his motion, and such conduct belies

Mr. Del Nero's assertion that "having such material in the public record could be a death sentence." (ECF No. 16 at 2.)

8. Finally, the Court notes that Mr. Del Nero's Motion contains both his street and email addresses, both of which the Court has permitted him to redact from filings. In addition, Mr. Del Nero attached as exhibits certain court decisions that appear to be under seal in those cases. (*See* ECF No. 16 at Exs. A, D, E, L.) Thus, the Court will permit these materials to be redacted from public view.

In light of the foregoing, it is **ORDERED** as follows:

1. Plaintiff Darren Del Nero's Application to File Under Seal and Motion for Reconsideration of Ex Parte Motion to Seal Records (ECF No. 16) is **DENIED**;

2. The Clerk of Court shall keep Mr. Del Nero's Motion (ECF No. 16) under seal until further Order of this Court;

3. On or before August 20, 2021, Mr. Del Nero shall provide the Court with a redacted version of his Motion, redacting his address information, as well as Exhibits A, D, E, and L, which appear to be under seal in other cases. Mr. Del Nero may send electronic versions of the redacted documents to [Chambers of Judge Wolson@paed.uscourts.gov](mailto:Chambers_of_Judge_Wolson@paed.uscourts.gov).

If Mr. Del Nero does not provide the Court with redacted documents, the Court will direct the Clerk of Court to unseal the Motion without further notice to Mr. Del Nero; and

4. The Clerk of Court is authorized to substitute on the public docket redacted versions of any document that Mr. Del Nero provides pursuant to this Order.

**BY THE COURT:**

*/s/ Joshua D. Wolson* \_\_\_\_\_

JOSHUA D. WOLSON