



Judicial Council of California

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Subject Text

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File #: 18-131, **Version:** 1

Title

Rules and Forms: *Confidential Information Form Under Civil Code Section 1708.85* (form MC-125) (Action Required)

Summary

The Civil and Small Claims Advisory Committee recommends revisions to the *Confidential Information Form Under Civil Code Section 1708.85* (form MC-125). This form is used by parties in cases filed under Civil Code section 1708.85, which provides a private cause of action for wrongful distribution of sexually explicit material, to file any material or information that the statute mandates be kept confidential and not included in the public files. The recommended revisions are intended to reflect amendments to Civil Code section 1708.5 that took effect January 1, 2018.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2019, revise form MC-125 to:

1. Expand the list of document types with which the form is being filed, by adding “other pleading” and “discovery document” to the checklist in Instructions item 2.
2. Make more explicit that the form may be used by any party when necessary, by adding a sentence to this effect in Instructions item 2.
3. Reflect the mandatory nature of filing the form, by highlighting the word “must” where it currently appears in Instructions items 1, 3, and 4, and replacing the phrase “may be” with “plaintiff may, and all other parties **must**” in Instructions item 4.
4. Include the full amended definition of the term “identifying characteristics,” along with a reference to the new definition of “online identifiers,” in Instructions item 4.
5. Modify the form heading to require additional identifying information about the party filing the form.