

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: :  
: :  
Application for Exemption from the : General Order M-394  
Electronic Public Access Fees by Lynn M. :  
LoPucki :  
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This matter is before the Court upon the application and request by Lynn M. LoPucki (the "Applicant") for exemption from the fees imposed by the Electronic Public Access Fee Schedule adopted by the Judicial Conference of the United States Courts.

The Court finds, based upon the attached letter from the Applicant, dated February 15, 2010, that the Applicant has demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

Accordingly, the Applicant shall be exempt from the payment of fees for access via PACER to the electronic case files maintained in this Court, to the extent such use is incurred in connection with the project described in the attached letter. He shall not be exempt from the payment of fees incurred in connection with other uses of the PACER system in this Court.

Additionally, the following limitations apply:

1. This fee exemption applies only to the Applicant, and is valid only for the purposes stated above.
2. This fee exemption applies only to the electronic case files of this Court that are available through the PACER system;
3. By accepting this exemption, the Applicant agrees not to sell for profit any data obtained as a result of receiving this exemption.
4. This exemption is valid from the date of this order through March 15, 2011.

This exemption may be revoked at the discretion of the Court at any time. A copy of this Order shall be sent to the PACER Service Center.

Dated: New York, New York  
March 2, 2010

/s/ Arthur J. Gonzalez  
ARTHUR J. GONZALEZ  
Chief United States Bankruptcy Judge



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February 15, 2010

Honorable Arthur J. Gonzalez, Chief Judge  
U.S. Bankruptcy Court for the Southern District of New York  
One Bowling Green  
New York, NY 10004-1408

Re: Request for Pacer exemption

Dear Judge Gonzalez:

I am writing to request an exemption from fees for electronic access to court data through your district's PACER website. This application is made pursuant to the policy dated March 11, 2008, titled Electronic Public Access Fee Schedule, and posted by the Pacer Service Center at [http://pacer.psc.uscourts.gov/documents/epa\\_feesched.pdf](http://pacer.psc.uscourts.gov/documents/epa_feesched.pdf). That document provides in relevant part:

Consistent with Judicial Conference policy, courts may, upon a showing of cause, exempt . . . individual researchers associated with educational institutions . . . from payment of [Pacer] fees. Courts must find that parties from the classes of persons or entities listed above seeking exemption have demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information. Any user granted an exemption agrees not to sell for profit the data obtained as a result. Any transfer of data obtained as the result of a fee exemption is prohibited unless expressly authorized by the court. Exemptions may be granted for a definite period of time and may be revoked at the discretion of the court granting the exemption.

A copy of the entire policy is attached.

I am employed full time by an educational institution: the law school of the University of California at Los Angeles. Part of my duties are to conduct research and publish my findings. I use Pacer to conduct research on the bankruptcy reorganizations of large, publicly held companies and also maintain a database regarding those reorganizations.

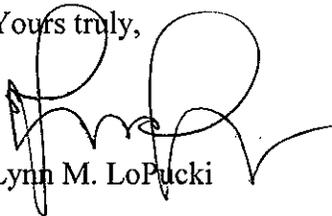
The grant of this exemption will promote public access to Pacer data in that the UCLA Law School makes a version of the database available to the public free of charge on UCLA servers and thousands of people use it. <http://lopucki.law.ucla.edu/> In addition I make the

complete database available to academics worldwide free of charge. More than a hundred professors and graduate students affiliated with educational institutions request and receive free copies of the Excel version of the Bankruptcy Research Database for identified research projects each year. I believe that these hundreds of independent researchers together promote a balanced, fact-based view of the bankruptcy system, and avoid public misunderstanding.

The grant of this exemption will avoid an unreasonable burden in that no regular source of funding exists from which to pay PACER fees for my research or for the updating of the Bankruptcy Research Database. In the absence of an exemption, I may or may not be able to obtain grants to fund these undertakings in the short run and certainly could not do so over the long run.

I believe that my circumstances constitute good cause for an exemption from PACER fees. I would very much appreciate it if you could grant me an exemption from fees for use of your district's PACER website.

Yours truly,

A handwritten signature in black ink, appearing to read "Lynn M. LoPucki". The signature is fluid and cursive, with a large loop at the end.

Lynn M. LoPucki