

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: :
: :
Application for Exemption from the : General Order M-436
Electronic Public Access Fees by Kenneth :
Ayotte and David C. Smith. :
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This matter is before the Court upon the application and request by Kenneth Ayotte and David C. Smith (the "Applicants") 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 Applicants, dated June 26, 2012, that the Applicants have demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

Accordingly, the Applicants 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. They 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 Applicants, 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 Applicants agree 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 December 31, 2013

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
June 26, 2012

 /s/ Cecelia G. Morris
Cecelia G. Morris
Chief United States Bankruptcy Judge

June 26, 2012

Hon. Cecelia G. Morris
Chief Judge
United States Bankruptcy Court for the Southern District of New York
355 Main Street
Poughkeepsie, NY 12601-3315

Dear Hon. Morris:

I am writing to request a waiver of the electronic public access fees charged by your Court's PACER database.

I am a law professor at Northwestern University conducting empirical research on corporate bankruptcy. My colleague, David C. Smith (University of Virginia McIntire School of Commerce) and I would like to conduct the first large-scale study of the decisions companies make with regard to their executory contracts in Chapter 11. We plan to document the number and size of a debtor's executory contracts, and the decisions to assume, reject, and assign these contracts. Most importantly, we would like to examine how the shortened time limits in BAPCPA for assuming or rejecting commercial real estate leases affected the outcomes of Chapter 11 reorganizations.

Our study would require that we collect a substantial amount of our data from bankruptcy filings. As academics, we do not have large amounts of resources to devote to paying PACER fees. Therefore, we are requesting a waiver of these fees for the calendar years 2012 and 2013. An exemption from the Judicial Conference's Electronic Public Access Fee is necessary in order to avoid unreasonable burdens and to promote public access to information. I understand that this fee exemption will apply only to David C. Smith and me, will be valid only for the research purposes stated above, and will apply only to the electronic case files of this court that are available through the PACER service. Further, I agree that any data received through this exemption will not be sold for profit, will not be transferred, will not be used for commercial purposes, and will not be redistributed via the Internet.

We believe our research will not only be of keen interest to legal and finance scholars, but also to the larger community of bankruptcy professionals, including judges, attorneys, and bankruptcy trustees. Thank you for your consideration.

Sincerely,

/s/

Kenneth Ayotte

k-ayotte@law.northwestern.edu

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