

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In Re: :
: :
Application for Exemption from the Electronic : General Order M-505
Public Access Fees by Kenneth Ayotte, :
: :
-----X

This matter is before the Court upon the application and request by Kenneth Ayotte (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 received from the Applicants dated on November 7, 2016, that the Applicant have demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

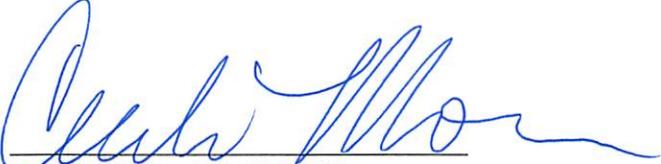
Accordingly, the Applicant shall be exempt from the payment of fees for access via PACER to the electronic case files maintained in this Court to the extent such use is incurred in connection with the project described in the attached letter and application. The Applicant shall not be exempt from the 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 November 7, 2016 through December 31, 2017.

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
November 21, 2016


CECELIA G. MORRIS
Chief United States Bankruptcy Judge

University of California, Berkeley
School of Law
891 Simon Hall
Berkeley, CA 94720-7200
kayotte@law.berkeley.edu
510-664-9967

November 7, 2016

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

Dear Honorable Cecelia G. Morris:

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

I am a Professor of Law at the U.C. Berkeley School of Law conducting empirical research on corporate bankruptcy. My co-author Jared A. Ellias (Associate Professor of Law at U.C. Hastings) and I are in the process of conducting the first large-scale study that conducts a text analysis of bankruptcy court documents.

Specifically, we plan to use new methods of analyzing text to better understand the dynamics of bankruptcy litigation and the strategies of the parties in a case. Our first project will analyze parties' preferences for speed in large Chapter 11 cases. Anecdotal and indirect evidence in prior studies suggest that senior creditors push to end cases quickly, with the attendant risk of "fire sales", while junior creditors and equity interests often seek to delay a resolution. We plan to search court motions for language indicating a preference for speed or delay, and observe how these patterns correlate with the party's position in the capital structure, the debtor's financial condition and management, and general economic conditions. We believe a fuller and more nuanced understanding of the motivations of the parties in a Chapter 11 case can better inform the decisions of judges and policy makers alike.

Our study requires 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, I am requesting a waiver of these fees for the calendar years 2016 and 2017. 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 Jared 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.

I 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. For your reference, my PACER account number is pu0041 and Jared's account is Jaredellias.

Also, for your reference, I have included a summary of a previous study of mine on that relied on PACER fee waivers to gather data on leases and executory contracts from court filings. The study was cited in the ABI Reform Commission's report as evidence supporting their recommendation to extend the deadline in 365(d)(4) for lease disposition decisions.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Ayotte', with a stylized flourish at the end.

Kenneth Ayotte
U.C. Berkeley School of Law
891 Simon Hall
Berkeley, CA 94720
Email: kayotte@law.berkeley.edu
Phone: (510) 664-9967