

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: :
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Application for Exemption from the Electronic : General Order M-551
Public Access Fees by Ekaterina Potemkina, :
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: :
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This matter is before the Court upon the application and request by Ekaterina Potemkina (the “Applicant”), a doctoral (PhD) student in Management at Cornell University, 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 on June 2, 2020, 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 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 May 1, 2020 through January 31, 2021.

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: June 8, 2020
New York, NY

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

June 2, 2020

United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004-1408

To whom it may concern,

I, Ekaterina Potemkina, am a doctoral (PhD) student in Management (area of Finance) at Cornell University. I am requesting a PACER fee waiver for academic research.

The goal of my academic research project is to examine how conditions such as financial health of the firms trigger the bankruptcy process and how they lead to eventual resolution. My study is focused on the recent firm bankruptcies resulting from the COVID-19 pandemic, and comparison of these bankruptcy filings to the cases that took place from 2017 to 2019. I am particularly studying firms that filed for Chapter 7 and Chapter 11 business bankruptcy in New York State, for which I can obtain the pre-bankruptcy and post-bankruptcy filing performance data. Information on financial health of the businesses is provided in multiple documents that firms file during the bankruptcy process. These documents include: petitions for bankruptcy, declarations, schedules of assets and liabilities, schedules of creditor claims, statements of financial affairs, affidavits, etc. To conduct my research, I request access to court documents contained in the court docket for the bankruptcy filings contained in my sample in the Southern District of New York. I have applied for exemption in the bankruptcy courts of Northern, Eastern and Western Districts of New York as well.

I do not have a research budget to help with the costs of research. However, I have already collected a part of my sample, billing it on my personal account. I have done this in order to explore the data availability and make estimates about the academic potential of this research project. In order to continue the project, I would need to expand the sample. This will increase the significant cost of accessing the information that I am interested in even more. The usual PACER access fee is \$0.10 per page, but many financial statements are over 30 pages long, costing me \$3.00 per download of one document per firm. I would also need to locate the document in a list of filings per firm, which adds to the expenses. Finally, in some cases the documents are incomplete, so I will have to search through additional statements to locate the financial information, which will incur further costs. My current bill for the downloaded documents with data on bankruptcies during the period from January 2020 to April 2020 and a list of bankruptcy case numbers filed from January 2019 to April 2019 is \$1640.20. This constitutes about \$5 per firm, and the total sum is larger than half of the academic stipend payment for living expenses that I receive on a monthly basis.

In accordance with the Judicial Conference Policy regarding Electronic Public Access Fees, a court may exempt individual researchers associated with educational institutions in order to avoid unreasonable burdens and promote public access to such information.

I believe that the access fees for these documents represent an unreasonable burden to my research effort. Furthermore, I believe that a fee waiver will promote public access to court

information, as I plan to submit my findings to peer-reviewed journals for publication. Said publication will result in better understanding of the causes, triggers and economic and financial efficiency consequences of firm bankruptcies.

I request a fee waiver for the period of six months June 2020 – December 2020 to ensure adequate time for the completion of my research. I also request a refund for the bill on my personal PACER account for the period May 05, 2020 – May 30, 2020. I agree, following Judicial Conference policy, 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.

If such a waiver is deemed appropriate, please notify the PACER service center to grant a waiver of access fees and a refund for the period May 05, 2020 – May 30, 2020 for your district for account number **ep495cornell**. In addition, please send an electronic or paper copy of the waiver to Ekaterina Potemkina at the email address **ep495@cornell.edu** or the following address below:

Ekaterina Potemkina
Apt. 3S, 118 Prospect Street
Ithaca, NY 14850

Sincerely,

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