

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: :
: :
Application for Exemption from the Electronic : General Order M-437
Public Access Fees by Lois R. Lupica, :
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This matter is before the Court upon the application and request by Lois R. Lupica (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 and motion from the Applicant, both dated July 17, 2012, 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 motion. 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 the date of this order through July 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
July 23, 2012

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



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July 17, 2012

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

Re: Request for PACER Fee Exemption

Dear Chief Judge Morris:

I am writing to request an exemption from payment of PACER per page fees. I am a member of the faculty of the University of Maine School of Law and I qualify under the PACER rules as an individual researcher associated with an academic institution. I am requesting this exemption through July 31, 2013.

I was recently awarded grants by the American Bankruptcy Institute Endowment Fund and the National Conference of Bankruptcy Judges Endowment for Education Fund to study the effects of Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) on creditor distributions in consumer cases. This is the second phase of the Consumer Bankruptcy Fee Study. In connection with this phase of the study, additional data will be collected with respect to distributions to creditor classes. I expect to complete this study in 2013. The results of the Consumer Bankruptcy Fee Study can be found at 20 American Bankruptcy Institute Law Review (Spring 2012).

I agree not to sell for profit the data obtained or to transfer data obtained as the result of a fee exemption.

I am attaching for your convenience a copy of (I) a Motion for Exemption, (II) an Affidavit attesting to my eligibility for the exemption, and (III) a version of a proposed order granting the exemption.

Thank you for your time and consideration,

A handwritten signature in blue ink, appearing to read 'Lois R. Lupica', written over the typed name.

Lois R. Lupica
Maine Law Foundation Professor of Law
University of Maine School of Law

AFFIDAVIT

I, Lois R. Lupica, am an individual researcher and member of the faculty of the University of Maine School of Law. I have been awarded a grant from the American Bankruptcy Institute Endowment Fund and a grant from the National Conference of Bankruptcy Judges Endowment for Education Fund to conduct a study on the distributions to unsecured creditors under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

I declare under penalty of perjury that the foregoing statements and information are true and correct to the best of my knowledge, information and belief.

Signed: _____



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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

MOTION FOR EXEMPTION FROM PAYMENT OF THE PACER USER FEE

Lois R. Lupica, holding the following PACER account login name ll2801 (“Movant”), requests an exemption from payment of the Electronic Public Access Fee (“PACER User Fee”) which is prescribed by the Judicial Conference of the United States, as set forth in 28 U.S.C. § 1930. In support of the Motion for Exemption From Payment of the PACER User Fee, the Movant states as follows:

1. Movant is an individual researcher associated with an education institution.
2. Exemption from payment of the PACER User Fee is necessary in order to avoid unreasonable burdens and to promote public access to information. As specific grounds for exemption Movant states the following:

- a. Movant was awarded grants by the American Bankruptcy Institute Endowment Fund and the National Conference of Bankruptcy Judges Endowment for Education Fund to examine whether the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) has had an impact on unsecured creditor distributions.

- b. As part of the Movant’s Study, thousands of filings will be accessed and examined to collect data with respect to distributions to creditor classes and other data points. Without an exemption, the cost of accessing the bankruptcy files is prohibitive.

3. Movant agrees that all information, reports, documents and other data obtained using a fee exempt PACER account will not be sold for profit or otherwise exchanged for value.

4. Movant further agrees that all information, reports, documents and other data obtained using a fee-exempt PACER account will be used only in connection with her activities which qualify for the exemption and not for activities which are unrelated to the exemption. Movant agrees to establish

a separate fee-based PACER account for activities which are not exemption-related and will use the appropriate PACER account for those activities.

5. Movant acknowledges that exemption from payment of the PACER User Fee will be granted until July 31, 2013.

6. Movant acknowledges that the exemption from payment of the PACER User Fee may be revoked at any time at the discretion of the Court.

7. Movant acknowledges that she may not knowingly permit or cause to permit the PACER User Fee exemption to be used by anyone other than her authorized agent. Furthermore, Movant acknowledges that any agent's use of the exemption shall be only in connection with exemption-related activities for which she was granted the exemption.

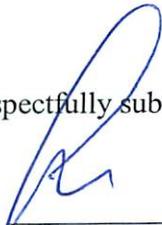
8. In support of the Motion, an affidavit is attached regarding the current status as an individual researcher associated with an education institution.

9. Movant declares, under penalty of perjury, that the foregoing statements and information are true and correct to the best of her knowledge, information and belief.

Based on the foregoing the Movant requests that the Court grant the Motion For Exemption From Payment of the PACER User Fee.

Dated: Portland, Maine
July 17, 2012

Respectfully submitted,

By: 

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In Re:

Application for Exemption from
Electronic Public Access Fees
by Lois R. Lupica

Exemption from Pacer Fees
for the United States Bankruptcy Court of the
Southern District of New York

ORDER

WHEREAS Lois R. Lupica, Professor of Law at the University of Maine School of Law has requested an exemption from Electronic Public Access fees for her academic research; and

WHEREAS this Court finds that an exemption is necessary to avoid unnecessary burdens and to promote public access to information;

IT IS HEREBY ORDERED, on _____, that the request is granted. A waiver of PACER fees for accessing documents of record in the United States Bankruptcy Court for the period beginning _____ and ending July 31, 2013 shall be effected for the benefit of Professor Lois R. Lupica. The exemption may be revoked at the discretion of the Court during this period. In compliance with the Electronic Public Access Fee Schedule promulgated by the Judicial Conference of the United States, Lois R. Lupica shall not sell the data obtained by use of this exemption.

The Clerk shall give appropriate Notice of this Order.

s/ _____

United States Bankruptcy Judge