

**OFFICE OF THE CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

**GUIDELINES PERTAINING TO REQUESTS FOR EXEMPTION FROM PAYMENT OF THE
ELECTRONIC PUBLIC ACCESS FEE IMPOSED BY ITEM (I) OF THE ELECTRONIC
PUBLIC ACCESS FEE SCHEDULE**

Revised February 2, 2012

The following guidelines apply to all requests for exemption from payment of the electronic public access fee imposed by Item (I) of the Electronic Public Access Fee Schedule.

1. A request for exemption from payment of the electronic public access fee imposed by Item (I) of the Electronic Public Access Fee Schedule shall be made by written motion in compliance with Local Bankruptcy Rule 9014-1, using Eastern District of California form **EDC 3-960, *Motion for Exemption from Payment of the Electronic Public Access Fees Imposed by Item (I) of The Electronic Public Access Fee Schedule***, or other document that provides all of the information, and is supported by the evidence, required by the court approved form.
2. Motions shall include the movant's acknowledgment and agreement that the exemption is solely for access related to the purpose for which it is requested and that the data obtained as a result of the exemption shall not be sold for profit.
3. Motions for exemption from payment of the electronic public access fee shall comply with the general requirements of form set forth in Fed.R.Bankr.P. 9004(a) and (b) and Local Bankruptcy Rule 9004-1(a), and shall include the movant's name, address, telephone number, email address, PACER account login name, California State Bar identification number, if applicable, and certification under penalty of perjury that the statements and information set forth in the motion and supporting documents is true and correct to the best of his/her knowledge, information, and belief.
4. Motions for exemption from payment of the electronic public access fees shall be accompanied by any required supporting documentation.
5. The burden of proving a party's entitlement to an exemption from payment of electronic public access fees rests with the party.
6. Because individual qualifications provide the basis for granting an exemption from payment of the electronic public access fees, each PACER user must separately request and satisfy the necessary criteria themselves to qualify for an exemption from payment. Exemptions will apply to *qualified, individual* PACER users only and will not extend to other PACER users within the same firm or office.
7. Exemptions may be revoked at the discretion of the Court at any time.
8. Exemptions from payment of electronic public access fees will be granted for definite periods of time. Three year exemptions may be granted to bankruptcy case trustees.

Exemptions for all others are generally limited to one year. PACER users who continue to qualify for an exemption from payment of the fee at the end of their exemption period may file a new request for exemption based upon their qualifications at that time.

9. A proposed order shall be prepared by the movant using form **EDC 6-960, Order Granting Exemption from Payment of the Electronic Public Access User Fee Imposed by Item (I) of the Electronic Public Access Fee Schedule**, and submitted to the Court with the motion for exemption from payment of the fee. Item 5 of the proposed order should be completed to provide individual researchers and resolution advocates a one (1) year exemption and bankruptcy case trustees a three (3) year exemption.
10. The original plus one copy of the motion, proposed order, and any documents offered in support of the motion shall be directed to *Wayne Blackwelder, Clerk, U.S. Bankruptcy Court, Attention: EPA Fee Exemption, 501 I Street, Ste. 3-200, Sacramento, CA 95814*.
11. Upon receipt, the motion, supporting documentation, and proposed order will be reviewed for completeness and compliance with these guidelines, and then forwarded to the Chief United States Bankruptcy Judge for disposition. In the event of questions concerning the completeness, accuracy or veracity of the documents submitted, the Court may hold a hearing on the motion.