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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

OFFICE OF THE BANKRUPTCY CLERK
ALBANY, NY

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In Re:

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

Administrative Order
No. 12-04

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This matter is before the Court upon the motion and affidavit dated July 17, 2012 signed and filed by Professor of Law Lois R. Lupica ("Professor Lupica") for exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts.

THEREFORE the Court finds that Professor Lupica, as an individual researcher associated with University of Maine School of Law, falls within the class of users listed in the fee schedule as being eligible for a fee exemption. Additionally, Professor Lupica has demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

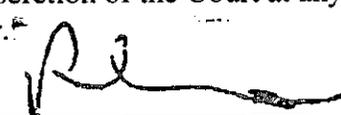
IT IS THEREFORE ORDERED that Professor Lupica shall be exempt from the payment of fees for access via PACER to the electronic case files maintained in this court, to the extent such use is incurred in the course of research regarding the effects of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 on creditor distributions in consumer cases filed in the Northern District of New York; and it is

FURTHER ORDERED Professor Lupica shall not be exempt from the payment of fees incurred in connection with other uses of the PACER system in this court; and it is

FURTHER ORDERED that the following limitations apply: (1) this fee exemption applies only to Professor Lupica and is valid only for the purpose stated above; (2) this fee exemption applies only to the electronic case files of this court that are available through the PACER system; (3) Professor Lupica shall not sell for profit any data obtained as a result of receiving this exemption; (4) Professor Lupica is and shall be prohibited from transferring any data obtained as a result of receiving this exemption; (5) **this exemption is valid only until one year after the date of this Order, namely, July 31, 2013**; (6) if necessary, Professor Lupica may request an extension of the fee exemption granted in this Order, based upon an additional showing of need conforming to Judicial Conference Policy; and it is

FURTHER ORDERED this exemption may be revoked at the discretion of the Court at any time and a copy of this Order shall be sent to the PACER Service Center.

Dated this 30th day of July, 2012
Albany, New York

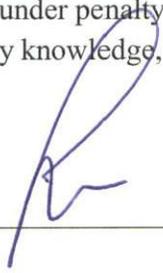

Chief Judge Robert E. Littlefield, Jr.

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
NORTHERN DISTRICT OF NEW YORK

MOTION FOR EXEMPTION FROM PAYMENT OF THE PACER USER FEE

Lois R. Lupica, holding the following PACER account login name 112801 (“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.

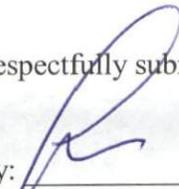
8. In support of the Motion, an affidavit is attached regarding the current status as an individual researcher associated with an education institution.

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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