

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

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In Re:

Application for Exemption from the
Electronic Public Access Fees by
Assistant Professor Jacelly Cespedes

Administrative Order
No. 19-02

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This matter is before the Court upon the May 24, 2019 letter request of Dr. Jacelly Cespedes, Assistant Professor of Finance at the Carlson School of Management, University of Minnesota ("Dr. Cespedes"). Dr. Cespedes seeks an exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts for a research project she is conducting on personal bankruptcy filings.

The requested waiver of PACER fees is for the download of publicly available information related to bankruptcy filers' characteristics at the time of filing for cases filed between 2006 and 2016. Dr. Cespedes represents that any data obtained will not be used for commercial purposes and will not be transferred or redistributed. Without a fee waiver, Dr. Cespedes asserts that the costs of the project would render the study unfeasible. Dr. Cespedes anticipates that her research will be completed in 2020.

The Court has considered Dr. Cespedes' request and the policies established by the Administrative Office of the United States courts. This court has also considered the potential impact such a large request will have on its local CM/ECF platform if it is run during the peak hours that other court users are utilizing systems.

The Court finds that Dr. Cespedes, as an individual researcher associated with the University of Minnesota Carlson School of Management in Minneapolis, Minnesota, falls within the class of users listed in the fee schedule as being eligible for a fee exemption. Additionally, Dr. Cespedes has demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information. The court further finds that it is necessary to limit the scope and method of data retrieval to ensure that the request does not become burdensome to the court's CM/ECF system.

Accordingly, IT IS ORDERED that Dr. Cespedes 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 researching her stated project regarding the effect of debt relief from the bankruptcy system on debtors' post-filing outcomes; and it is

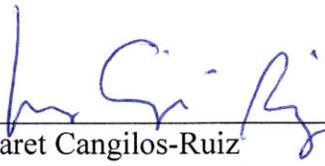
FURTHER ORDERED that Dr. Cespedes shall **only** run data requests during the hours from 8:00 p.m. to 6:00 a.m. EDT or EST, whichever is applicable at the time of the research; and it is

FURTHER ORDERED that Dr. Cespedes 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 Dr.Cespedes' user account, PACER account number 4489599 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) Dr. Cespedes shall not sell for profit any data obtained as a result of receiving this exemption; (4) Dr. Cespedes is prohibited from transferring any data obtained as a result of receiving this exemption; (5) **this exemption is valid through May 30, 2020 and shall terminate at 12:01 a.m. on May 31, 2020**; (6) if necessary, Dr. Cespedes 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. A copy of this Order shall be sent to the PACER Service Center.

Dated: June 12, 2019
Syracuse, New York



Margaret Cangilos-Ruiz
Chief United States Bankruptcy Judge, N.D.N.Y.