

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: :  
: :  
Application for Exemption from the : General Order M-339  
Electronic Public Access Fees by Adam J. :  
Levitin. :  
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This matter is before the Court upon the application and request by Adam L. Levitin (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 from the Applicant, dated July 21, 2007, 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. He 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 October 1, 2009.

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  
September 19, 2007

/s/ Stuart M. Bernstein  
STUART M. BERNSTEIN  
Chief United States Bankruptcy Judge



GEORGETOWN UNIVERSITY LAW CENTER

July 21, 2007

Hon. Stuart M. Bernstein  
Chief United States Bankruptcy Judge  
United States Bankruptcy Court for the Southern District of New York  
One Bowling Green  
New York, NY 10004-1408

Re: Academic PACER fee exemption request

Dear Chief Judge Bernstein:

I am writing to request an academic exemption from PACER fees for the Bankruptcy Court for the Southern District of New York.

I am an Associate Professor of Law at Georgetown University Law Center and am engaged in an empirical study of debtor in possession (DIP) financing. DIP financing is a centerpiece of chapter 11 bankruptcy reorganizations, but there is no empirical work on how it operates. I am particularly interested in the interest rates, fees, and covenants contained in DIP financing agreements and their correlation to the debtor's prepetition relationship with the DIP financier.

I believe that my study will be useful to bankruptcy courts when considering future DIP financing motions, particularly by providing a baseline average against which proposed DIP financing terms may be compared and evaluated for fairness.

I would like to have a large sample of chapter 11 cases (from numerous districts) for my study. Information on the terms of DIP financing agreements is only obtainable via PACER, and obtaining the documents necessary for such a large sample will entail significant PACER fees overall, although not for any particular district. Therefore, I am requesting the academic fee exemption from PACER fees from numerous courts, including the United States Bankruptcy Court for the Southern District of New York. If possible, I would like the exemption to be for a two-year term. I will, of course, acknowledge any fee exemption granted in any published article that uses data obtained using the fee exemption.

Thank you for your consideration.

Sincerely,

Professor Adam J. Levitin