

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: :
: :
Application for Exemption from the Electronic : General Order M-358
Public Access Fees by Andres Forero. :
: :
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This matter is before the Court upon the application and request by Andres Forero (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 application from the Applicant, each dated September 22, 2008, 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. 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 January 31, 2010.

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
October 16, 2008

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

Andres Forero
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Austin, Texas 78751
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September 22, 2008

Kathleen Farrell-Willoughby
Clerk of Court
United States Bankruptcy Court
Alexander Hamilton Custom House
One Bowling Green
New York, NY 10004-1408

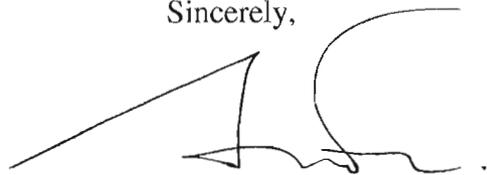
Ms. Farrell-Willoughby:

I am a PhD candidate at the University of Texas at Austin. My doctoral dissertation studies creditor committee composition in bankruptcy court and I am seeking an exemption from PACER access fees. I am enclosing two documents in support of my application:

- 1) My application for exemption from PACER fees for accessing Southern District of New York bankruptcy files. My application explains why I seek the exemption and demonstrates how exemption from fees will "avoid unreasonable burdens" and "promote public access."
- 2) A letter from my dissertation chair verifying that I seek PACER access for the purpose of my dissertation

Please contact me with any questions. I will be happy to provide additional information in support of my application.

Sincerely,



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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK



APPLICATION FOR EXEMPTION OF PACER ACCESS FEES

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Andres Forero respectfully files and submits this motion as follows:

BACKGROUND

1. Andres Forero is a PhD Candidate studying Public Policy at the LBJ School of Public Affairs at the University of Texas at Austin. Andres seeks affordable access to information available through PACER in support of dissertation research concerning creditor committees in bankruptcy court. Andres seeks information concerning, among other things, creditor committee composition, changes to committees during the case, length of service of individual committee members in the committees, and reorganization plans. The information accessed through PACER will be used exclusively for academic purposes.

FEE WAIVER REQUESTED

2. Andres Forero requests that the Court grant Andres Forero an exemption from the fee for access to files available through PACER through January 2010. Section 303 of Pub. L. 102-140, set out as a note under section 1913 of 28 U.S.C. §1913, concerning “fees... for access to information available through automatic data processing” states, “These fees... shall provide for exempting persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information.

GROUNDS FOR FEE WAIVER

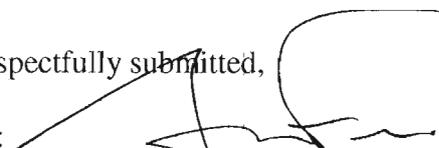
3. Unreasonable burden: At a cost of \$0.08 per page for information accessed through PACER, the cost of information required is prohibited. Andres's sample includes 450 corporations. One expects searching tens or hundreds of pages per sample bankruptcy firm. Assuming an average of 100 pages per sample bankruptcy firm, the PACER cost would amount to about \$3600. A cost of this magnitude is prohibitive given Andres's funding as a PhD student.

4. Promotion of public access: The information will contribute to dissertation research and possibly publication in an academic journal. The research supports public understanding of the bankruptcy process and is intended to be of an academic rather than professional nature. Andres has not received funding for bankruptcy research. An academic paper by professors Arturo Bris, Ivo Welch, and Ning Zhu of Yale, Brown, and UC-Davis, respectively, has demonstrated the public utility of PACER access by academic researchers. Their paper, "The Costs of Bankruptcy: Chapter 7 liquidation vs. Chapter 11 Reorganization Bankruptcy," relies on data collected through PACER and was published in the Journal of Finance (June 2006).

Andres Forero respectfully requests that the Court enter an order granting a waiver of PACER access fees through January 2010.

Dated: Austin, Texas
September 22, 2008

Respectfully submitted,

By: 

Andres Forero
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