

**OFFICE OF THE CLERK
UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

**GUIDELINES FOR
MOTION FOR EXEMPTION FROM PAYMENT OF THE PACER USER FEE**

PACER (“Public Access to Court Electronic Records”) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district and bankruptcy courts. Electronic access to court data is obtained by registering with the PACER Service Center, which is operated by the Administrative Office of the United States Courts.

On authority from Congress, the Judicial Conference of the United States has prescribed an Electronic Public Access Fee for the use of PACER (“PACER User Fee”). The PACER User Fee applies to the access of electronic court data from remote locations. Electronic court data may be viewed at no charge at public terminals which are located at the courthouses in Reno and Las Vegas (printing charges apply, however). The Electronic Public Access Fee Schedule is set forth in 28 U.S.C. § 1930.

Certain exemptions may exist from payment of the PACER User Fee. Consistent with Judicial Conference policy a court may, upon a showing of good cause, exempt indigents, bankruptcy case trustees, individual researchers associated with educational institutions, courts, section 501(c)(3) not-for-profit organizations and pro bono ADR neutrals from payment of the PACER User Fee.

In order to grant an exemption, a court must find that parties from the classes of persons or entities listed above seeking exemption have demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

The following guidelines apply to all requests for exemption from payment of the PACER User Fee:

1. Form of Motion

a. Request for exemption from payment of the PACER User Fee shall be made by written motion (“Motion”) and must be accompanied by the movant’s declaration and supporting affidavits.

b. Motions may be made using either the Court-approved “Motion for Exemption From Payment of the PACER User Fee” (available on the Court’s website at www.nvb.uscourts.gov) or another motion which provides the information, declarations and supporting affidavits necessary to support the request.

c. The Motion must be accompanied by a proposed order which the Court may use in granting the exemption (available on the Court's website).

2. Content of Motion

a. Motions must include the movant's name, address, telephone number, PACER account login name, e-mail address, state bar identification number (if applicable), and a declaration under penalty of perjury that the statements and information set forth in the Motion are true and correct to the best of the movant's knowledge, information, and belief.

b. As grounds for the exemption, movants must *specifically* state in the Motion how the exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

c. Motions must include the movant's agreement 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.

d. For all movants (including attorneys), the Motion must include the movant's agreement that all information, reports, documents and other data obtained using a fee-exempt account will be used only in connection with the movant's activities which qualify for the exemption and not for activities which are unrelated to the exemption. The Motion must also include the movant's agreement to establish a separate fee-based PACER account for activities which are not exemption-related and that the movant will use the appropriate PACER account for those activities.

e. Similarly, if the movant requests exemption as a bankruptcy case trustee and is an attorney, the Motion must include the movant's agreement that all information, reports, documents and other data obtained using a fee-exempt PACER account will be used only in connection with the movant's duties as a bankruptcy case trustee and not for other legal work. The Motion must include the movant's agreement to establish a separate fee-based PACER account for the non trustee-related work and that the movant will use the appropriate PACER account for that work.

3. Proof of Exempt Status

a. Motions of bankruptcy case trustees, researchers associated with an educational institution, and pro bono ADR neutrals must be supported by an affidavit of the movant which states that status.

b. Motions of not-for-profit organizations must be supported by the affidavit of an officer, director, or other authorized individual which states that the entity is a not-for-profit organization qualified for tax-exempt status under § 501(c)(3) of the Internal Revenue Code.

c. Motions of courts must be supported by an affidavit of the clerk of court or court administrator.

d. Motions of indigent persons must be supported by an affidavit as to indigency.

4. Exemption Period

a. Exemption from payment of the PACER User Fee will be granted for a term of:

i. 36 months for a bankruptcy case trustee or upon completion of all duties for which the case trustee has been appointed, whichever comes first;

ii. 36 months for courts;

iii. 12 months for all other PACER users.

b. Upon expiration of the exemption, it may be renewed by submitting a new Motion with current declarations, affidavits, and supporting proof showing continued qualification for the exemption.

c. Exemption periods other than those stated above may be granted at the discretion of the Court.

d. The exemption may be revoked at any time at the discretion of the Court.

5. Disposition of Motion

a. Upon receipt, the Motion and supporting documentation will be reviewed for compliance with these guidelines and will be forwarded to the Chief United States Bankruptcy Judge for the District of Nevada for disposition.

b. The Court may, at its discretion, hold a hearing on the Motion.

6. Signatures

a. Motions of not-for-profit organizations, partnerships, corporations, or other business entities must be signed by an officer, director, or other authorized individual.

b. An individual signing on behalf of a not-for-profit organization, partnership, corporation, or other entity must indicate the position or relationship to the movant.

7. Use of Exemption by Movant's Agent

The movant may not knowingly permit or cause to permit the PACER User Fee exemption to be used by anyone other than an authorized agent of the movant. The agent's use of the exemption shall be only in connection with the exemption-related activities for which the movant was granted the exemption, and the agent is subject to the movant's restrictions under Section 2(c)-(e) of these guidelines.

8. Address for Request

The original plus one copy of the Motion, proposed order, and any documents offered in support of the Motion shall be directed to: Mary A. Schott, Clerk of Court, United States Bankruptcy Court, 300 Las Vegas Boulevard South, Las Vegas, Nevada 89101.