

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: :  
: :  
Application for Exemption from the : General Order M-328  
Electronic Public Access Fees by the New :  
York Appellate Division, Third Department. :  
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This matter is before the Court upon the application and request by the New York Appellate Division, Third Department (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 Joseph L. Legnard, Chief Investigator, dated June 16, 2006, 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 accessing PACER for status updates and decisions involving attorneys who are the subject of grievance investigations. 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 Applicants agree 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 December 1, 2008.

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  
June 27, 2006

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

**State of New York**  
Supreme Court, Appellate Division  
Third Judicial Department  
Committee on Professional Standards  
40 Steuben Street, Suite 502  
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June 16, 2006

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Attn: Kathleen Farrell- Willoughby  
Clerk of Court

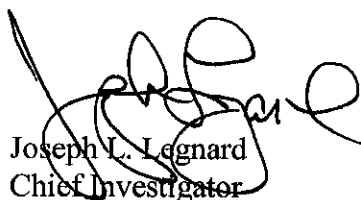
Re: Pacer Fee Waiver

Dear Ms. Farrell- Willoughby:

This office is an agency of the New York State Court System, Appellate Division, Third Judicial Department. We are writing to respectfully request a waiver of the fees for Pacer. We would be accessing Pacer for status updates and decisions involving attorneys who are the subject of grievance investigations.

Your granting this waiver would be greatly appreciated. If you have any questions please do not hesitate to contact me.

Very truly yours,

  
Joseph L. Legnard  
Chief Investigator