UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Application for Exemption from the Electronic Public Access Fees by Sudha Mani and Kersi D. Antia	General Order M-401

This matter is before the Court upon the application and request by Sudha Mani and Kersi D. Antia (the "Applicants") 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 Applicants, dated May 7, 2010, that the Applicants have demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

Accordingly, the Applicants 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. They 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 Applicants, 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 June 1, 2010 through November 30, 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
June 14, 2010

/s/ Arthur J. Gonzalez
ARTHUR J. GONZALEZ
Chief United States Bankruptcy Judge

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May 7, 2010

The Honorable Judge
U.S. Bankruptcy Court - Southern District of New York
615-3 Alexander Hamilton Custom House
One Bowling Green
New York, NY 10004-1408

Honorable Judge:

I am an assistant professor of business (marketing) at the University of Texas Arlington. Together with a colleague at the University of Wisconsin-Madison, Professor Kersi Antia, I am investigating how firms declaring bankruptcy may emerge from Chapter 11 proceedings as quickly and as unscathed as possible. The findings from this research have significant implications not only for the firms in question, but also for the recovery of the economy at large. In 2008 alone, more than 9,000 firms filed for bankruptcy protection nationwide; the corresponding number for 2009 is expected to be 69% higher (cite source). A 2009 Center for Automotive Research study estimates 250,000 to 1.8 million jobs lost as a result of just the Chrysler and GM bankruptcies. By identifying the factors that promote or detract from a speedy and successful re-organization, our research will help reduce bankruptcy-related job losses.

Professor Antia and I have identified 878 publicly traded firms that have filed for bankruptcy protection (Chapter 11) from 1992 to 2009 across 101 jurisdictions participating in PACER. The rigorous conduct of our research requires us to download <u>all</u> petitions, motions, and orders with respect to each bankruptcy proceeding, along with creditor lists, and information on the rejection, assumption, or assignment of registered executory contracts. For each firm in our list, we anticipate tabulating and coding the following information: List of executory contracts with names of the contracting parties and the amount owed by the debtor-in-possession (DIP), nature of executory contracts (purchase agreements, supplier agreements, or customer purchasing agreement), DIP's decision to reject, assume, or assign executory contracts with cure amounts, timing of such decisions, and objections filed by the non-DIP firm.

The collection and coding of bankruptcy filings-related data is only one part of our research. A critical second component comprises the matching of the bankruptcy filings data with 10Q and 10K Earnings Reports for these firms from the Securities and Exchange Commission (SEC), so as to assess post-bankruptcy financial outcomes for the firms emerging from Chapter 11. Through our home universities, we have free access to the financial performance of the firms that emerge from bankruptcy.

A preliminary analysis of seven firms in our sample yields an average cost of collecting PACER data at just under $24 per firm, calculated as follows:

Cost of PACER @ $ 0.08 per page, with a maximum of $2.40 per document.
We expect approximately fifteen documents per bankrupt firm.
Six documents of four pages each @ $0.08 per page = $ 1.92
Nine documents of 30 or more pages each @ $2.40 per document = $ 21.60

We also anticipate hiring and training a graduate student to code the bankrupt firm's court documents, and expect to incur labor costs at $ 12 per hour. With an anticipated time spent of 3 hours per firm, the estimated cost of coding the collected data is $ 36 per firm.

Based on our own reading of the PACER FAQs (http://pacer.psc.uscourts.gov/faq.html#GP18) and the Electronic Public Access Fee Schedule issued in accordance with 28 U.S.C. § 1913, 1914, 1926, 1930, and 1932, it is our understanding that "…A court may, for good cause, exempt persons or classes of persons (individual researchers associated with educational institutions) from the electronic public access fees, in order to avoid unreasonable burdens and to promote public access to such information…The appropriate procedure by which a court may consider the grant of an exemption from the fee is upon motion by the party seeking exemption from the fee. The motion should demonstrate the basis upon which the party claims such exemption. The standards established by Congress are: to avoid unreasonable burdens and to promote public access to such information. A party must demonstrate that both standards have been met in order for a court to grant an exemption from payment of this fee."

As I'm sure you would appreciate, sir/madam, the research budgets we are provided at each of our state-funded institutions are woefully inadequate to meet the anticipated total cost of $52,258 (878 x $59.52) with access to PACER alone costing over 20,000 dollars, for the conduct of our proposed research. We have already applied for financial support from our own home institutions so as to help us defray the estimated coding-related costs. We ask that you grant us an exemption from payment of the PACER access fee as it applies to this jurisdiction, for a six-month period from June 1, 2010 to November 30, 2010. For your information, we have provided current curriculum vitae and a brief description of our proposed research.

We would like to emphasize that we seek no private gain whatsoever from our efforts. The findings from our research are to be published in academic journals and made available on the Internet at no cost to the public. Your granting us an exemption from PACER Access Fees as they apply to cases in your jurisdiction would meet both the "unreasonable burden" and "promote public access" criteria established by Congress, and would go a long way to helping us realize our research objectives. For the convenience of the court my Pacer user id is– sm6635.

Both Professor Antia and I would be happy to answer any further questions you might have about our proposed research, and have provided our contact details below. We look forward to hearing back from you with respect to our petition.

Sincerely,

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Surviving the Stigma of Bankruptcy: The Role of Business Relationships

Background and Significance of Research: In January 2002, Kmart filed for bankruptcy and only emerged from its re-organization a full 15 months later, a shadow of its former status as a preeminent retailer. In marked contrast, General Motor's 2009 stint in bankruptcy court lasted just one month, with the Detroit-based behemoth taking full advantage of the fresh start provided to surge ahead with new products and increased confidence. Given today's challenging economic conditions, Kmart and GM are not unfortunate exceptions. In 2008, more than 9,000 businesses filed for bankruptcy, seeking protection from creditors and the chance to re-organize their debts - a 38% increase from just a year earlier (www.UScourts.gov). Unfortunately, the much sought after fresh start is by no means guaranteed. Despite the investment of considerable resources on debt reorganization and attempts to improve firms' survival prospects, the financial and reputation-related challenges posed by bankruptcy make re-emergence highly tenuous. Not surprisingly, 75% of firms declaring bankruptcy never "step back from the abyss," instead undergoing the ignominy of liquidation (Hotchkiss 1995).

In light of the preceding sobering statistics, our proposed research answers the following questions:

- How do bankrupt firms increase the likelihood and speed of their recovery from financial distress?
- Conditional on successful re-emergence, what are the determinants of strong post-bankruptcy performance?

The findings from this research have significant implications not only for the firms in question, but also for the recovery of the economy at large. A 2009 Center for Automotive Research study estimates 250,000 to 1.8 million jobs lost as a result of just the Chrysler and GM bankruptcies. By identifying the factors that promote or detract from a speedy and successful re-organization, our research will help reduce bankruptcy-related job losses.

Theoretical Lens and Working Hypotheses: As part of its re-organization, a firm in bankruptcy has the leeway to decide whether to continue or terminate its existing business relationships with customers and suppliers. A "clean slate" with respect to relationships, however, involves a careful balancing act and comes at a price. No doubt, the bankrupt firm is within its legal rights to shed "onerous" relationship obligations; at the same time, however, firms that seek to exploit this opportunity at the cost of their business partners risk throwing carefully cultivated business relationships and their own reputation as a dependable partner by the wayside. Despite the existence of a robust body of literature in accounting and law on bankruptcies, prior research has yet to consider how the debtor-in-possession's (henceforth, DIP) handling of its external business relationships may impact its post-bankruptcy prospects. The "stress tests" to which such relationships are subjected under bankruptcy, and the implications posed for the DIP's post-bankruptcy performance, have yet to receive attention.

Building on a well-developed body of prior research, we highlight the importance of managing business relationships, especially in times of crisis. Within the present context, we hypothesize the likelihood and speed of DIPs' re-emergence from bankruptcy and their post-bankruptcy performance to be contingent on their careful management of existing business relationships. Specifically, we posit the DIP's choice of assumption, rejection, or assignment of executory contracts to be a critical strategic choice, with significant implications for (a) the likelihood of emergence from bankruptcy, (b) the time spent in bankruptcy, and (c) the strength of its post-bankruptcy performance. We further posit the DIP's ability to co-opt rather than antagonize influential creditors to have a significant bearing on the preceding bankruptcy-related outcomes.

Research Contribution, Planned Output, and Anticipated Timeline: Our contribution lies in providing a better understanding of how firms can protect and manage their relational assets to maintain competitive advantage during times of distress. We also help managers identify the key drivers of the firm's reputation as a reliable partner. From a public policy perspective, successful and timely emergence from bankruptcy will help secure jobs and reduce the burden on the judicial system. We plan to make our findings freely available, and to target this research for publication in publicly accessible formats (our own web pages, academic journals). We anticipate collecting the data over this summer, completing the coding by December this year, and having preliminary results to disseminate by March 2011.

SUDHA MANI

ADDRESS

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ACADEMIC EXPERIENCE

Assitant Professor of Marketing, University of Texas at Arlington, 2007- present

EDUCATION

Doctor of Philosophy, Business Administration, 2007 - The University of Western Ontario
Master of Business Economics, 1998 - University of Delhi, India
Bachelor of Commerce, 1996 - University of Delhi, India

PUBLICATIONS

Mani, Sudha, Kersi D. Antia, and Aric Rindfleisch (2007), "Entry Mode and Equity Level: A Multilevel Examination of Foreign Direct Investment Ownership Structure," *Strategic Management Journal*, 28 (857-866).

HONORS & AWARDS

2009 - Best Track Paper – New Product Development, Product Management, and Entrepreneurship Track – 2009 AMA Summer Marketing Educators' Conference with Xueming Luo

2006 -ISBM Business Marketing Doctoral Fellow. Winner, Doctoral Dissertation Award Competition, Institute for the Study of Business Markets, Pennsylvania State University, $ 5000 research support.

2006 - Social Sciences and Humanities Research Council Award for "Managing Alliance Portfolios" with Kersi D. Antia, Rajesh K. Chandy, and Jaideep Prabhu (Cdn $ 67,000). *My dissertation was one of the three projects funded with this grant.*

2006 - Awardee, Dissertation Research Grant, Richard Ivey School of Business, UWO (Cdn $ 3000).

2005 - Research Fellow, Ivey Biotechnology Center, awarded Cdn $ 5000 dissertation research support.

2005 - Fellow, ISMS Doctoral Consortium, Emory University.

2004 - Fellow, AMA Sheth Doctoral Consortium, Texas A&M University.

2002-05 - PhD Plan for Excellence Scholarship, Ivey Business School, UWO.

2002-05 - Research Assistantship, Ivey Business School, UWO.

2002-05 - International Graduate Student Scholarship, UWO.

2002 - President's Scholarship in Graduate Studies, UWO.

CONFERENCE PARTICIPATION - More than 10 Conference Presentations in recognized International Marketing Conferences including – *Marketing Science Conference, AMA Summer Educators' Conference, and AMA Winter Educators' Conference*

WORK In PROGRESS

Sudha Mani and Xueming Luo, "Market Intelligence as a Driver of Marketing and R&D Alliances"

Sudha Mani, Kersi D. Antia, and Rajesh K Chandy, "Managing Portfolios of Product Alliances"

Kersi D. Antia and Sudha Mani, "Determinants of Franchise Failure Rates"

Sudha Mani, Traci Freling, and Ann McFadeyan, "Analyzing Interfirm Relationships: A Quantitative Synthesis of Alliance Performance"

Sudha Mani, Kersi D. Antia, and Rajesh K Chandy, "The Evolution of Firms' New Product Development Capabilities"

May 2010

ABBREVIATED CURRICULUM VITAE

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EDUCATION

Ph.D.	University of Southern California	Marketing	1997
M.S.	Clarkson University	MIS	1991
B. Com.	St. Xavier's College, University of Calcutta	Management	1990

ACADEMIC EMPLOYMENT

Assistant Professor of Marketing, University of Wisconsin-Madison, WI.	2006-present
Assistant Professor of Marketing, The University of Western Ontario, London, ON.	1999-2006

RECENT HONORS AND AWARDS

2009 The Mabel W. Chipman Faculty Teaching Excellence Award, UW Madison.

2009 Winning Research proposal to Marketing Science Institute/Wharton Interactive Marketing Initiative for "Expanding the Scope of User-Generated Content: A Dynamic Model of User Contribution Type, Product Launch, and Market Response," with David Schweidel, Aric Rindfleisch, and Matthew O'Hern.

SELECT PUBLICATIONS

Frazier, Gary L., Elliot Maltz, Kersi D. Antia, and Aric Rindfleisch (2009), "Distributor Sharing of Strategic Information with Suppliers," Journal of Marketing, Vol. 73 (4) July, pp.31-43.

Fisher, Robert J., Mark Vandenbosch, and Kersi D. Antia (2008), "An Empathy-Helping Perspective on Consumers' Responses to Fundraising Appeals," Journal of Consumer Research, Vol. 35 (3) October, pp.519-531.

Mani, Sudha, Kersi D. Antia, and Aric Rindfleisch (2007), "Entry Mode and Level of Equity: A Simultaneous Examination of Foreign Direct Investment Governance," Strategic Management Journal, Vol. 28 (August), pp.857-866.

WORK IN PROGRESS

Kashyap, Vishal, Kersi D. Antia, and Gary L. Frazier, "Contracts, Governance, and Channel Member Cooperation," under preparation for second review at Journal of Marketing Research.

Fisher, Robert J., Bharat L. Sud, Kersi D. Antia, and Gina Pingitore, "The Effects of Advertised and Objective Quality on Sales: A Longitudinal Study of the US Automotive Market," under preparation for second review at Marketing Science.

David Schweidel, Aric Rindfleisch, and Matthew O'Hern, "Examining the Impact of User-Generated Content on Product Innovation," submitted to Marketing Science.

Kersi D. Antia and Sudha Mani, "Determinants of Franchise Failure Rates"

Sudha Mani, Kersi D. Antia, and Rajesh K Chandy, "The Evolution of Firms' New Product Development Capabilities"