

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

US BANKRUPTCY COURT
SOUTHERN DISTRICT OF MS

FILED
Jul 23, 2020 - 3:12 pm

DANNY L. MILLER
CLERK

By *C. Berona*

**Amended Sua Sponte Order Exempting
Case Trustees From Public Access Electronic Usage Fee**

By memorandum dated October 19, 1992, and July 1, 1993, the Director of the Administrative Office of the United States Courts provided guidelines for the implementation of certain exemptions authorized by the Judicial Conference of the United States to the nationwide miscellaneous fee for usage of access to court data.

The Director's memorandum dated July 1, 1993, provided "case trustees" as one example of an appropriate "class of person" for whom the Court, by order, may provide an exemption from payment for usage of electronic access to court data.

Established policies of the United States Courts are designed to encourage extensive utilization of the Public Access to Court Electronic Records (PACER) system.

However, extensive utilization of this court's PACER system by case trustees would create unreasonable financial burdens on such trustees.

IT IS ORDERED, on sua sponte motion of this Court, the following individuals:

<u>Chapter 7 Trustee:</u> Eileen Shaffer Derek A. Henderson J. Stephen Smith Kimberly R. Lentz	<u>Chapter 11 Subchapter V Trustee:</u> Craig M. Geno David R. Lynch Kimberly D. Strong Robert A. Byrd	<u>Chapter 12 Trustee:</u> Harold J. Barkley, Jr.	<u>Chapter 13 Trustee:</u> David Rawlings Harold J. Barkley, Jr. James L. Henley, Jr. Warren A. Cuntz
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who are regularly appointed by the United States Trustee to serve as case trustees, are hereby granted an exemption from payment of the electronic access usage fees for access to this court's PACER system; provided, however, such exemptions shall not extend to the PACER system access utilized by any such case trustee while performing services as an attorney, whether such services be performed for the case trustee or any other client. If the United States Trustee appoints

a case trustee for a specific case or group of cases, and the case trustee is not a regularly appointed trustee, this Court will enter a sua sponte motion and order to grant an exemption for PACER system usage consistent with the requirements of this standing order.

IT IS FURTHER ORDERED that any individual the trustee authorizes to serve as a Filing Agent for the case trustee is also granted an exemption from payment of the electronic access usage fees for access to this court's PACER system provided that the case trustee has submitted a Filing Agent PACER Authorization form to the Clerk of Court. The trustee shall submit the authorization form in a format as prescribed by the Clerk of Court.

Any exemptions granted to a case trustee, or his/her filing agent, appointed in a case pending in this court, shall not extend to other legal work performed by a case trustee in his or her capacity as an attorney as distinguished from his or her work as a case trustee.

This order amends and supersedes the *Sua Sponte Order Exempting Case Trustees From Public Access Electronic Usage Fees* dated April 30, 2019 and the *Sua Sponte Order Exempting Subchapter V Case Trustees from Public Access Electronic Usage Fee* dated February 24, 2020.

IT IS THEREFORE ORDERED that this exemption is effective *nunc pro tunc* April 27, 2020.



Katharine M. Samson
United States Bankruptcy Judge



Neil P. Olack
United States Bankruptcy Judge