

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

AMENDED STANDING ORDER 22-6

**AMENDED ORDER EXEMPTING TRUSTEES AND THEIR EMPLOYEE FILING
AGENTS FROM ELECTRONIC PUBLIC ACCESS MISCELLANEOUS FEE SCHEDULE
ITEM 1; PROCEDURES FOR GRANTING EXEMPTIONS FROM THE ITEM 1 FEE**

PUBLIC NOTICE

Notice hereby is given that the Court has entered the attached Amended Standing Order 22-6, which removes ORDERED paragraph 5 from the original Order, as that paragraph is satisfactorily addressed in ORDERED paragraphs 3 and 4, therein. As a result, the ORDERED subsequent paragraphs, in the amended Order, have been renumbered as 5 through 8, inclusive. Technically conforming modifications to ORDERED paragraphs 9 and 10 have been made, as well. All other provisions in Standing Order 22-6, and as set forth in the amended Order, remain unchanged.

William C. Redden
Clerk of Court

Date: March 22, 2022

Attachment

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

In Re:

Exemption of Trustees and their Employee)
Filing Agents from Electronic Public Access) Amended Standing Order 22-6
Miscellaneous Fee Schedule Item 1; the)
Procedures by Which the Court May Consider)
the Granting of a Fee Exemption Request from)
the Item 1 Fee)

AMENDED ORDER EXEMPTING TRUSTEES AND THEIR EMPLOYEE FILING AGENTS
FROM ELECTRONIC PUBLIC ACCESS MISCELLANEOUS FEE SCHEDULE ITEM 1;
PROCEDURES FOR GRANTING EXEMPTIONS FROM THE ITEM 1 FEE

On February 5, 2001, the Court entered Standing Order 01-1, as subsequently rescinded and replaced with Standing Order 01-4, which exempted the trustees from certain public access user fees set forth in the Electronic Public Access (EPA) Miscellaneous Fee Schedule, which is accessible on the uscourts.gov website.¹ This is in addition to the procedures by which the Court may consider the granting of a fee exemption request from the Item 1 fee as set forth at EPA Miscellaneous Fee Schedule Item 9, which provides, in part: “Courts may exempt certain persons or classes of persons from payment of the user access fee.”

The PACER Service Center is responsible for providing registration, billing, and technical support to PACER customers.

ACCORDINGLY, IT IS ORDERED that:

1. Standing Order No. 01-4 is hereby rescinded. The fee exemption granted to the trustees under that Order shall continue unabated, in the manner as set forth herein.
2. For good cause, all trustees appointed pursuant to 28 U.S.C. §586 and serving in cases before the Court shall be exempt from the current \$0.10 per page fee prescribed in Item 1 of the EPA Miscellaneous Fee Schedule, and as later may be adjusted by the Judicial Conference, through ecf.vaeb.uscourts.gov, from the public records of individual cases in the Court, including filed documents and the docket sheet.

¹ These and other fee provisions are subject to future adjustment by the Judicial Conference of the United States (Judicial Conference), as adopted pursuant to 28 U.S.C. § 1930. Any such adjustments are deemed incorporated into this Standing Order.

3. Each trustee shall make arrangements timely to establish an exempt account for trustee work with the PACER Service Center and, as required, shall make arrangements timely to establish a billable account for non-trustee work.

4. Each trustee will be responsible for using the appropriate PACER account.

5. In addition, the fee exemption is extended to employees of a trustee who have a direct need, through their trustee employer, as to trustee-related work being performed. To obtain a PACER fee exemption, the employing trustee will submit, in writing, the name(s) and PACER account number(s)² of such an employee(s) to the Clerk of the Court advising that the request conforms fully to the Court's Case Management/Electronic Case Files Policy (CM/ECF) Statement, at CM/ECF Policy 2D(2), which is accessible on the Court's website. Further, should the circumstances change or if the employee(s) separate(s) from employment with the trustee, the Clerk of the Court must be advised by the trustee, in writing, forthwith, so the granted PACER fee exemption can be revoked, as to the affected employee(s). If the above procedure is followed to the Clerk of the Court's satisfaction, the Clerk may proceed, accordingly, without further direction from the Court. Otherwise, the Clerk of the Court shall so advise the Court for such further action as the Court deems appropriate to the circumstances.

6. The Clerk of the Court, or the Clerk's designee, will be responsible for (a) establishing, maintaining, and updating a listing of trustees, and their properly authorized employees who perform trustee-related work, and who are exempt from the fees set out in this Standing Order, and (b) providing the PACER Service Center with a copy of this Standing Order and listing, including listing updates. A trustee, or an employee(s) of the trustee who perform(s) trustee-related work, shall follow the PACER fee exemption procedure, herein, regarding such employee(s).

7. The PACER fee exemption applies only to the trustee-related work performed by the trustee and employee(s) for the trustee.

8. (a) Upon motion by a party or other written request deemed acceptable to the Court, the Court may consider the granting of an exemption from the fee prescribed in Item 1 of the EPA Miscellaneous Fee Schedule for court data obtained electronically, through ecf.vaeb.uscourts.gov, from the public records of individual cases in the Court, including filed documents and the docket sheet. The motion or other written request deemed acceptable to the Court, should demonstrate the basis upon which the party claims such an exemption.

² With respect to PACER accounts, as of the Court's implementation of the Bankruptcy Next Generation (NextGen) Case Management/Electronic Case Files (CM/ECF) System's mandatory Central Sign-on Module, multiple individuals will not be able to access PACER simultaneously through use of the user's login and password. For this reason, all such employees in direct need of accessing PACER must secure a separate PACER account consistent with the Central Sign-on – Filing Agents instructions document accessible on the Court's website.


(b) The party should demonstrate that all applicable standards, as set forth and otherwise incorporated by reference in this Standing Order, have been met before the Court will consider granting the requested exemption.

(c) The Clerk of the Court, or the Clerk's designee, will provide a copy of the order granting the requested exemption to the PACER Service Center so that the party will not be billed for use of the electronic public access service.

9. ORDERED paragraph 5 in Standing Order 22-6 is removed and the subsequent paragraphs are renumbered as 5 through 8, inclusive, as set forth, above.

10. This Order, as amended, shall take effect on its date of entry.

FOR THE COURT:


FRANK J. SANTORO
Chief Bankruptcy Judge

Dated: March 22, 2022