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9 UNITED STATES BANKRUPTCY COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12
13 In re

14 FOX ORTEGA ENTERPRISES, INC.,
dba PREMIER CRU,

15
16 Debtor.

Case No. 16-40050-WJL

Chapter 7

**EX PARTE APPLICATION FOR ORDER
AUTHORIZING BMC TO BE EXEMPT
FROM PACER FEES IN THIS CASE**

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19 Michael G. Kasolas the Chapter 7 (“Trustee”) of the above referenced bankruptcy estate,
20 respectfully requests an order authorizing BMC Group, Inc. (“BMC”) to be exempt from Pacer
21 fees in the above captioned case for the reasons set forth herein below.

22 1. An Order for relief under Chapter 7 of Title 11 of the United States Code was
23 entered herein pursuant to voluntary petition filed by the debtor on January 8, 2016. Michael G.
24 Kasolas is the duly appointed, qualified and acting trustee of the debtor’s estate.

25 2. There are over 9,250 parties who are listed on the Debtor’s mailing matrix. On
26 February 22, 2016, this Court authorized the Trustee to limit notice to creditors by mailing a
27 notice to the creditors directing those who want to receive hard copies of mailings to file a Request
28 for Notice with the Court, and for other creditors to request service by email. In addition, the

1 Trustee agreed to provide access to a website for creditors to review pleadings at their
2 convenience. The Court authorized the Trustee, among other duties, to retain BMC to: (i) assist
3 the Trustee to host the website to allow creditors and interested parties to review pleadings filed;
4 and (ii) to serve by mail or email copies of pleadings on creditors who requested service.

5 3. BMC needs access to the docket so that it can down load pleadings to be filed for
6 posting on the case website and for serving the creditors by email. As the Court is aware, there is
7 a cost generated to download a pleading. Counsel for the Trustee has supplied BMC with copies
8 of pleadings filed to date, but now that BMC is approved, the Trustee would like a more automatic
9 system established so that the BMC automatically obtains a copy of a pleading at no costs. If
10 BMC incurred a cost it would be passed on to the estate, and it would add a considerable expense
11 to the estate over the life of this case. Therefore, the Trustee requests that BMC be allowed a
12 Pacer Fee Exemption pursuant to the Electronic Public Access (EPA) Fee Schedule as noted on
13 the Court's website. (Copy attached for the Court's convenience.)

14 4. The exemption is necessary to avoid unreasonable burden to this estate that would
15 be incurred without the exemption. The purpose of the exemption request in this matter is to
16 promote more public access to information, which is the stated purpose of the exemption. BMC
17 will need access to all filings on the docket and the claims register (and claims) for the duration of
18 this case, or such time as its services are terminated (which termination would be approved by the
19 Court).

20 Wherefore, the Trustee seeks an order from the Court approving and authorizing the Clerk
21 of the Court to allow BMC an exemption to Pacer charges so that it can have access to the docket
22 and claims register to carry out its duties as approved by this Court.

23 DATED: February 26, 2016

WENDEL, ROSEN, BLACK & DEAN LLP

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By: /s/ Tracy Green

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Tracy Green
Attorneys for Michael G. Kasolas, Trustee

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PACER Fee Exemption

Pursuant to the Electronic Public Access (*EPA*) Fee Schedule, the court may exempt indigent persons, bankruptcy case trustees, individual researchers associated with educational institutions, state courts and § 501(c)(3) not-for-profit organizations from PACER fee charges if the applicant demonstrates that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information. Please note, an exemption granted to an individual academic researcher **is not** inclusive and **may not** be used by the students attending the academic researcher's seminars or classes.

All exemption requests **must** be made in writing. The requests must include a brief description of the project that requires information culled from PACER and an estimated time period that the exemption will take into effect. Please send all requests to the following:

US Bankruptcy Court
Attn: PACER Fee Exemption
PO Box 7341
San Francisco, CA 94120-7341

Please note, **not** all requests for exemptions may be granted. The exemptions of PACER fees are issued at the discretion of the court.

Source URL (modified on 03/05/2015 - 9:05am):

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