

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES COMMODITY FUTURES
TRADING COMMISSION,

No. C 11-4577 CW

Plaintiff,

V.

PARON CAPITAL MANAGEMENT, LLC,
and JAMES D. CROMBIE,

ORDER GRANTING
REQUEST TO E-FILE
AND DENYING
PERMISSION TO BE
EXCUSED FROM
PAYING PACER FEES
AND REQUEST THAT
THE MOTION FOR
PERMISSION TO BE
EXCUSED FROM
PAYING PACER FEES
BE PLACED UNDER
SEAL
(Docket Nos. 20
and 21)

Defendants.

Defendant James D. Crombie seeks the Court's leave to participate in Electronic Case Filing (ECF) and to be excused from paying the fees for accessing documents through the Public Access to Court Electronic Records (PACER) service. He asks that his motion requesting permission to be excused from PACER fees be sealed. Plaintiff United States Commodity Futures Trading Commission has filed a notice of non-opposition to Defendant Crombie's motions.

Defendant Crombie has filed a statement affirming that he has reviewed the requirements for e-filing and that he agrees to abide by them. He also states that he understands that, once he registers for e-filing, he will receive notices and documents only by email and not by regular mail. He further states that he has regular access to the technical requirements necessary to e-file successfully.

1 Defendant Crombie has filed copies of bank statements in a
2 single document with his motion seeking permission to be excused
3 from PACER fees and asks that the bank statements be placed under
4 seal. Because Defendant has filed this document in the public
5 record, Court staff has placed a temporary "lock" on the motion to
6 temporarily restrict access.

7 Civil Local Rule 79-5 provides that, when a party seeks
8 permission to file a document under seal, the party must file an
9 administrative motion seeking leave to file under seal,
10 accompanied by a sworn declaration demonstrating with
11 particularity the need to file each document under seal. See
12 Civil Local Rule 79-5(a). At that time, the party should not file
13 in the public record the document that he seeks to file under
14 seal, but instead should separately lodge with the Clerk two
15 sealed envelopes each containing copies of the documents. See
16 Civil Local Rule 79-5(b).

17 Defendant Crombie has stated in his motion that the
18 information he seeks to seal is private and personal, but has not
19 supported his request with a sworn declaration that states with
20 particularity the reasons that justify filing these documents
21 under seal.

22 Defendant Crombie states that he does not have the ability to
23 pay the fees associated with accessing and filing with PACER.
24 Electronic filings are made through the ECF system, not the PACER
25 system. There is no fee associated with the filing aspect of the
26 ECF system. The PACER system allows users to retrieve case and
27 docket information, including electronic copies of documents
28 filed. As stated in the "Frequently Asked Questions" for the

1 PACER and ECF systems, which can be accessed at
2 <http://www.pacer.gov/psc/faq.html>, PACER charges \$0.08 per page
3 retrieved. The charge for any single document is capped at \$2.40,
4 the equivalent of 30 pages. If a total of less than \$10.00 worth
5 of charges is accrued in any given quarter, fees are waived for
6 that quarter. Attorneys of record and parties in a case
7 (including pro se litigants) receive one free electronic copy of
8 all documents filed electronically, if receipt is required by law
9 or directed by the filer. To avoid later charges, a copy of each
10 document can be downloaded and saved during this first viewing.
11 However, if the document is a transcript, the free copy and thirty
12 page fee cap do not apply.

13 Accordingly, the Court GRANTS Defendant Crombie's request to
14 participate in the ECF system (Docket No. 20) and DENIES Defendant
15 Crombie's request to be excused from all PACER fees (Docket
16 No. 21). Further, the Court STRIKES the bank statements that
17 Defendant Crombie attached to his motion to be excused from PACER
18 fees and directs the Clerk to remove these documents from the
19 public record.

20 IT IS SO ORDERED.

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22 Dated: 11/23/2011


CLAUDIA WILKEN
United States District Judge

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