

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

3  
4 UNITED STATES COMMODITY FUTURES  
5 TRADING COMMISSION,

6                                    Plaintiff,

7                                    v.

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

10                                   Defendants.  
11 \_\_\_\_\_/

No. C 11-4577 CW

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)

12  
13                                    Defendant James D. Crombie seeks the Court's leave to  
14 participate in Electronic Case Filing (ECF) and to be excused from  
15 paying the fees for accessing documents through the Public Access  
16 to Court Electronic Records (PACER) service. He asks that his  
17 motion requesting permission to be excused from PACER fees be  
18 sealed. Plaintiff United States Commodity Futures Trading  
19 Commission has filed a notice of non-opposition to Defendant  
20 Crombie's motions.

21                                    Defendant Crombie has filed a statement affirming that he has  
22 reviewed the requirements for e-filing and that he agrees to abide  
23 by them. He also states that he understands that, once he  
24 registers for e-filing, he will receive notices and documents only  
25 by email and not by regular mail. He further states that he has  
26 regular access to the technical requirements necessary to e-file  
27 successfully.  
28

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.

21  
22 Dated: 11/23/2011

  
\_\_\_\_\_  
CLAUDIA WILKEN  
United States District Judge

23  
24  
25  
26  
27  
28