

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL VETERANS LEGAL)	
SERVICES PROGRAM, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 16-745 ESH
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	
)	
)	

DECLARATION OF ANNA GARCIA

1. I am Anna Garcia and work for the Administrative Office of U.S. Courts ("AOUSC") as a PACER Service Center Manager, a position that I have held for one and a half years.

2. The information set forth in this declaration is based on my personal knowledge and on the information available to me in my official capacity as I perform my work for the AOUSC.

3. In order for an individual to secure a PACER password, and thus, the ability to download a document from PACER, the individual must agree to abide by the terms of the PACER Service Center's Policies and Procedures, which a user must acknowledge and agree to before the registration is finalized and an account is created. A copy of that policy is attached to this declaration and is also available at: https://www.pacer.gov/documents/pacer_policy.pdf.

4. Among the terms of the agreement that must be entered into by anyone securing a PACER account and password is a requirement that the user raise any concerns about billing with the PACER Service Center within 90 days of the date of the bill that is in dispute.

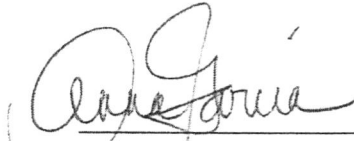
5. In 2015, 63% of PACER users did not pay anything for PACER use, either because they were: 1) entitled to a fee waiver because they did not exceed \$15.00 in a quarter; or 2) they were otherwise exempted from paying fees (such as an educational institution engaged in research or because they were nonprofit organizations that sought and secured an exemption from the

requirement to pay PACER fees).

6. In 2015, 81% of PACER users had all or some of the fees waived, not counting the free downloading of those portions of documents that exceeded 30 pages.

I declare under penalty of perjury that the above information is true and correct to the best of my information and belief.

25 July 2016
dated


ANNA GARCIA

Fee Information

Last Updated August 18, 2014

There is no registration fee. However, the Judicial Conference of the United States has established a fee for access to information in PACER. All registered users will be charged as follows:

- * Use of the PACER system will generate a \$.10 per-page charge.
- * Audio files of court hearings retrieved via PACER will generate a \$2.40 per-file charge.

Acknowledgment of Policies and Procedures

I understand that:

- There is a charge for accessing information in PACER. See the Fee Information section above. PACER provides electronic access to case information in U.S. federal courts. By registering for a PACER account, I assume responsibility for all fees incurred through the usage of this account.
- Certain accounts may be designated, under Judicial Conference policy, as exempt from fees. If my account is exempt from the fee, it is my responsibility to use the account only within the scope of the fee exemption.
- I must alert the PACER Service Center to any errors in billing within 90 days of the date of the bill.
- The per-page charge applies to the number of pages that results from any search, regardless of the number of pages viewed, printed, or downloaded. Searches that result in no matches incur a charge for one page of data.
- Users who provide a valid credit or debit card at the time of registration will receive immediate access to court records. Users who do not provide a card number during registration will receive an authentication token via U.S. mail in 7-10 business days.
- Usage is billed on a quarterly basis. Pursuant to Judicial Conference policy, no account is billed for usage of less than \$15 in a quarter.
- Statements, which contain a summary of the charges the account has incurred, are sent in January, April, July, and October. Detailed transaction information is available in the Manage My Account section of the PACER Service Center website (www.pacer.gov).
- All new accounts automatically default to email billing.
- If a credit card or debit card is provided during registration, usage is automatically billed quarterly to that card. These charges will be billed to the card up to 7 days before the due date listed on your quarterly invoice. Electronic statements will be generated and sent via email. Paper statements will not be mailed to accounts with automatic billing.
- If a credit card or debit card number is not provided at the time of registration, quarterly invoices will be emailed to the email address submitted with this registration request. Users must remit payment through the mail or online via the PACER Service Center website (www.pacer.gov).
- PACER bills that are not paid on time are subject to federal debt collection measures. These measures include, but are not limited to, referral to a private collection agency or the U.S. Department of Treasury for collection. Accounts that are referred to a private collection agency will be assessed substantial collection fees in addition to the outstanding debt owed to the PACER Service Center.

I must provide accurate and complete information in registering for this account. I will promptly inform the PACER Service Center of any changes to that information.

The PACER account being registered is for my use only, unless specifically designated otherwise on the registration form. I am responsible for preventing unauthorized use of the account. If I believe there has been unauthorized use, I must notify the PACER Service Center immediately by emailing pacer@psc.uscourts.gov or calling (800) 676-6856.

The PACER Service Center and/or a U.S. federal court reserve(s) the right to

- Suspend service to any account in which the amount due is not paid by the due date.
- Demand immediate payment, outside of the regularly scheduled billing cycles, of an account at any time that the PACER Service Center determines the action is necessary.
- Notify and seek payment from the firm listed on my account registration if my account balance is not paid by the due date.
- Reject an account registration request that the PACER Service Center determines to be related to an existing PACER account with a past-due balance.
- Suspend service to an account if any part of the information provided to the PACER Service Center as part of this account registration process is fraudulent. Information about the account and any accounts determined to be related to it may be turned over to law enforcement authorities.
- Deny accounts to requesters who have delinquent debts to any federal government agency, in accordance with 31 U.S.C. § 3720B(a).
- Suspend or reduce service to, or otherwise restrict access to PACER by, any account that causes an unacceptable level of congestion or a disruption to the operations of the PACER Service Center, a U.S. federal court, or another PACER user.
- Suspend service to an account at any time that the PACER Service Center or a U.S. federal court determines the action is necessary to prevent fraud or to maintain the security of its computer systems and networks.
- Require prepayment as a condition to resume service for any account that has:
 1. Had service suspended or restricted for any reason.
 2. Had multiple instances of late payments.
 3. Been requested to make immediate payment of fees incurred.

Public Access to Court Electronic Records is supported by user fees. Any attempt to collect data from PACER in a manner that avoids billing is strictly prohibited and may result in criminal prosecution or civil action. PACER privileges will be terminated if, in the judgment of judiciary personnel, they are being misused. Misuse includes, but is not limited to, using an automated process to repeatedly access those portions of the PACER application that do not assess a fee (i.e., calendar events report or case header information) for purposes of collecting case information.

An account determined by the PACER Service Center to be related to an account that has been subject to an action outlined above may also be subject to the same action.

Accounts may be determined to be related based on information obtained by the PACER Service Center during registration or other contact with CM/ECF, PACER, or the PACER Service Center.

If these policies and procedures change in a significant way, information regarding the changes will be posted on the PACER Service Center website (www.pacer.gov). It is the account holder's responsibility to check these policies and procedures regularly for changes. Continued use of PACER following the posting of changes will mean that the account holder accepts and agrees to the changes.

PACER Administrative Account (PAA) Billing

Many organizations have asked for their employees to have individual PACER accounts, with the capability to consolidate billing at an organizational level. The PAA will allow an organization to receive a single invoice for charges from all accounts under its PAA.

- The firm must establish a PAA to manage all logins at the PACER Service Center website.
- All charges associated with each individual account are accrued to the PAA. The organization will be financially responsible for all associated accounts. If the balance due on the PAA is not paid in full each quarter, PACER service for all accounts linked to the PAA will be suspended. The PAA will be subject to the collection procedures described in these terms.
- For those who use the PAA, the \$15 waiver per quarter will only apply in the event that the firm billing account total for a quarter is less than \$15.
- If there is a past-due balance associated with a PAA, the account administrator cannot link any new individual accounts until the balance has been paid in full.