

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**NATIONAL VETERANS LEGAL
SERVICES, et al.,**

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No. 16-745 (ESH)

SCHEDULING ORDER

It is hereby **ORDERED** that:

1. Plaintiffs will provide notice to class members within 90 days of the Court's order determining the form for class notice.
2. During the notice period, the parties will enter into a stipulation and/or permit limited document discovery in an effort to establish 1) what portion of PACER fee revenue during the class period was in excess of the amount necessary to fund PACER services, 2) what portion of the PACER fee revenue supported CM/ECF and other Administrative Office initiatives and programs, and 3) what the average per-page PACER fee was during the class period.
3. Ten days after the notice period ends, plaintiffs will move for summary judgment solely on the issue of liability — i.e., whether the fees charged to access records through PACER violate the E-Government Act of 2002, Pub. L. No. 107-347, § 205(e), 116 Stat. 2899, 2915 (Dec. 17, 2002) (28 U.S.C. § 1913 note). Defendant shall file its opposition 20 days thereafter, and plaintiffs' reply is due 10 days after that.

4. The parties shall defer the issue of damages, if any, until after a ruling on the motion for summary judgment and any cross-motion defendant may file.

5. Within 15 days of the Court's ruling on summary judgment, the parties will meet and confer and, based on the Court's ruling, propose a schedule for the balance of the case, including any additional discovery.

IT IS SO ORDERED.

/s/ Ellen Segal Huvelle
ELLEN SEGAL HUVELLE
United States District Judge

Date: January 24, 2017