

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<p><b>PHILIP N. JAAX,</b></p> <p style="text-align: right;"><b>Plaintiff,</b></p> <p><b>v.</b></p> <p><b>JAYHAWK MARINA, INC., et al.,</b></p> <p style="text-align: right;"><b>Defendants.</b></p> <hr style="width: 50%; margin-left: 0;"/>	<p>)</p>	<p><b>CIVIL ACTION</b></p> <p><b>No: 08-2421-KHV</b></p>
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**MEMORANDUM AND ORDER**

This matter is before the court on plaintiff’s motion for an exemption from fees for accessing documents via the Public Access to Court Electronic Records service (“PACER”) (Doc. #110) filed April 14, 2009. The Court deems it unnecessary to await a response from defendants, and in large part it adopts the Order denying plaintiff’s similar motion in case No. 08-2490, Philip N. Jaax v. Chrysler Financial, LLC, et al.<sup>1</sup>

Plaintiff asks the Court to exempt him from PACER access fees because the Court previously granted him *in forma pauperis* status. Plaintiff mistakenly believes that his *in forma pauperis* status should exempt him from fees to electronically access case information. This is not the case. Plaintiff is not required to utilize the Court’s electronic filing system, and nothing precludes him from filing paper documents with the Clerk’s Office or requesting that defendants and the Court serve documents to him by U.S. mail. Further, plaintiff receives free electronic notification by email each time a document is filed in this case, and he gets one free look at each document. The free look period expires after ten days, but nothing prevents plaintiff from either printing or

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<sup>1</sup> Plaintiff sent an email to Judge Vratil which requested a waiver from PACER fees which in both cases. Plaintiff’s email was filed as a motion in both cases, and makes no case-specific demands. Therefore, the same analysis applies in both cases.

electronically saving a copy of these documents, and the Court encourages plaintiff to do so. Plaintiff has not demonstrated that an exemption is necessary to avoid unreasonable burdens or to promote public access to information.<sup>2</sup>

**IT IS THEREFORE ORDERED** that plaintiff's motion for exemption from fees for accessing PACER (Doc. #110) filed April 14, 2009 be and hereby is **OVERRULED**.

Dated this 30th day of April, 2009 at Kansas City, Kansas.

s/ Kathryn H. Vratil  
KATHRYN H. VRATIL  
United States District Judge

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<sup>2</sup> See Electronic Public Access Fee Schedule at 2, [www.pacer.uscourts.gov/announcements/general/fee\\_sched\\_upd.html](http://www.pacer.uscourts.gov/announcements/general/fee_sched_upd.html).