

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office  
Phone (415) 355-7900 Fax (415) 355-8566  
<http://www.ca9.uscourts.gov/mediation>

**MEDIATION QUESTIONNAIRE**

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are *not* confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	12-16373
District Court/Agency Case Number(s):	CV 12-80113 JW
District Court/Agency Location:	Northern District of California, San Francisco
Case Name:	In re Application for Exemption from Electronic Public Access Fees by Jennifer Gollan and Shane Shifflett
If District Court, docket entry number(s) of order(s) appealed from:	3
Name of party/parties submitting this form:	Jennifer Gollan, Shane Shifflett

Please briefly describe the dispute that gave rise to this lawsuit.

Applicants requested an exemption from the fees associated with Pacer access in order to conduct a research project.

Briefly describe the result below and the main issues on appeal.

The court initially granted the exemption. However, it issued a subsequent order requesting further briefing and then rescinded its earlier order granting the exemption. The appeal will address the proper interpretation of 28 U.S.C. § 1914 and the Judicial Conference Policy Notes regarding that statute.

Describe any proceedings remaining below or any related proceedings in other tribunals.

N/A

Provide any other thoughts you would like to bring to the attention of the mediator.

N/A

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at [ca09\\_mediation@ca9.uscourts.gov](mailto:ca09_mediation@ca9.uscourts.gov). Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

**CERTIFICATION OF COUNSEL**

I certify that:

a current service list with telephone and fax numbers and email addresses is attached

(see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list

may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

**Note:** Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **To file this form electronically** in Appellate ECF, complete the form, and then print the filled-in form to PDF (File > Print > PDF Printer/Creator). Then log into Appellate ECF and choose Forms/Notices/Disclosure > File a Mediation Questionnaire.

**SERVICE LIST**

**In re Application for Exemption from Electronic Public Access Fees by  
Jennifer Gollan and Shane Shifflett**

**9<sup>th</sup> Circuit Case No. 12-16373**

**Appellant / Jennifer Gollan and Shane Shifflett**

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**Real Party in Interest / United States District Court  
for the Northern District of California, San Francisco**

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(Courtroom Deputy)

9th Circuit Case Number(s)

**NOTE:** To secure your input, you should print the filled-in form to PDF (File > Print > PDF Printer/Creator).

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### CERTIFICATE OF SERVICE

#### When All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date) .

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature (use "s/" format)

\*\*\*\*\*

### CERTIFICATE OF SERVICE

#### When Not All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date) .

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Signature (use "s/" format)