

# United States Court of Appeals for the Fifth Circuit

ORDER  
General Docket No. 2023-1

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IN RE:  
APPLICATION FOR EXEMPTION FROM THE ELECTRONIC PUBLIC  
ACCESS FEES BY KATE LESCIOTTO

This matter is before the Court upon the application and request by for exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts.

The Court finds that Kate Lesciotto, an individual researcher associated with an educational institution, falls within the class of users listed in the fee schedule as being eligible for a fee exemption. Ms. Lesciotto has shown that the defined research project is intended for scholarly research that is limited in scope and not intended for redistribution on the internet or for commercial purposes. Additionally, Ms. Lesciotto has demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information. Accordingly, Ms. Lesciotto shall be exempt from the payment of fees for access via PACER to the electronic case files maintained in this court, to the extent such use is incurred in the course of researching the influence of Daubert on the use of forensic anthropology expert witness evidence. Specifically, Ms. Lesciotto's research project will entail close examination of Court materials that reference expert reports or testimony of forensic anthropologists. She requires access to court filings and associated expert reports in order to analyze (1) the methods being used by current forensic anthropologists and (2) how the participants in legal actions (judges, juries, attorneys) evaluate forensic anthropology expert reports, with a focus on evidentiary objections. The ultimate goal of the research is to publish multiple manuscripts that will be submitted for publication in academic journals. Ms. Lesciotto shall not be exempt from the payment of fees incurred in connection with other uses of the PACER system in this court. Additionally, the following limitations apply:

- I. this fee exemption applies only to Ms. Lesciotto, and is valid only for the purposes stated above;
- II. this fee exemption applies only to the electronic case files of this court that are available through the PACER system;
- III. by accepting this exemption, Ms. Lesciotto agrees not to sell for profit any data obtained as a result of receiving this exemption;
- IV. Ms. Lesciotto is prohibited from transferring any data obtained as a result of receiving this exemption, including redistribution via internet-based databases;
- V. this exemption is valid until December 31, 2023.

This exemption may be revoked at the discretion of the Court at any time. A copy of this Order shall be sent to the PACER Service Center.

Dated this 24<sup>th</sup> day of January 2023.



LYLE W. CAYCE  
*Clerk of Court*

BY DIRECTION