

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL VETERANS LEGAL
SERVICES PROGRAM, NATIONAL
CONSUMER LAW CENTER, and
ALLIANCE FOR JUSTICE, for themselves
and all others similarly situated,

Plaintiffs,

v.

UNITED STATES OF AMERICA,
Defendant.

Case No. 16-745-ESH

[PROPOSED] ORDER

It is ORDERED that the plaintiffs' motion for class certification is hereby GRANTED because the plaintiffs have satisfied the requirements of Federal Rule of Civil Procedure 23, and that the class defined herein shall be maintained as a class action under Federal Rule of Civil Procedure 23(b)(3).

The Court certifies the following class: "All individuals and entities who have paid fees for the use of PACER within the past six years, excluding class counsel and agencies of the federal government." The Court further certifies one class claim alleging that the fees charged for accessing court records through the PACER system—set at the same rate across the federal judiciary—far exceed the cost of providing those records, and thus violate the E-Government Act, which authorizes fees "as a charge for services rendered," but "only to the extent necessary" to "reimburse expenses in providing these services." 28 U.S.C. § 1913 note.

It is further ORDERED that Gupta Wessler PLLC and Motley Rice LLC are hereby appointed as co-lead class counsel.

It is further ORDERED that within 30 days of the date of this order, the parties shall file an agreed-upon proposed form of class notice. If the parties cannot agree on a proposed form of class notice, then they shall file separate proposed forms within 30 days of the date of this order. Class counsel shall then ensure that individual notice is provided to all absent class members who can be identified through reasonable effort using the records maintained by the defendant, as required by Federal Rule of Civil Procedure 23(c)(2), within 90 days of the Court's order approving the form of notice. Class counsel shall pay all costs incurred to provide notice.

This ____ day of _____, 2016

ELLEN SEGAL HUVELLE,
Senior United States District Court Judge