

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

NATIONAL VETERANS LEGAL  
SERVICES PROGRAM, et al

CASE NO. 1:16-cv-00745-PLF  
J: Paul L. Friedman

Plaintiffs

v.

UNITED STATES OF AMERICA

Defendant(s)

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DON KOZICH, Individually  
Plaintiff-Class Member,

v.

UNITED STATES OF AMERICA  
Defendant(s)

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**PLAINTIFF-CLASS MEMBER DON KOZICH'S  
VERIFIED OBJECTIONS TO SETTLEMENT  
AND MOTION TO APPEAR TELEPHONICALLY OR BY ZOOM**

Pursuant to Fed.R.Civ.P. 24 and LCvR 7(j), and 28 USC § 1331 and 1346(a), the Plaintiff-Class Member Don Kozich submits his Verified Objections to Settlement and Motion to Appear Telephonically or by ZOOM, and under penalty of perjury, declares that he has read the Motion, and that the facts stated in it are true, and in support of this motion states,

**I. KOZICH'S EXHIBITS (Exhibit " \_\_\_\_ ")**

For this Verified Motion, Kozich relies on the attached Exhibits.

## II. STANDING

The complaint and any pending settlement are limited in scope and appear to address only some but not all of those PACER users who have **paid** excessive PACER user fees but do not address all of those PACER users who have paid excessive PACER fees or those PACER users who have **not** paid or are delinquent in the payment of excessive user fees or have been cut-off from utilizing PACER and their account put into illegal collection, or all.

Kozich is before this court because he is a Class Member but is not listed as a class member by the Defendant because the Defendant with its blinders on purposely never listed Kozich as a class member because the Defendant allegedly could not find where Kozich ever paid PACER fees (Exhibit "D", pg 8). But Kozich paid PACER fees (Exhibit "A"). Kozich believes the Defendant purposely never listed Kozich as a class member that paid excessive PACER fees because doing so would open a Pandora's box and makes the Defendant liable for untold additional millions of dollars in excessive fees that unidentified class members have paid.

Additionally besides paying excessive PACER fees for copy costs, Kozich also paid excessive fees in searching Federal Cases outside of the Southern District of Florida. PACER charged Kozich excessive fees because he was searching cases throughout the country, i.e. Washington, Oregon, California, etc., having to do with federally subsidized Low Income Housing Tax Credit (LIHTC) apartment communities.

For the quarter FY 2010 PACER had a Net Profit of \$26,611,517 (Exhibit E) and for the period 4/21/10-5/31/18 (a total of 37 quarters) had a Net Profit of \$984,626,129 (37 X \$26,611,517). The Settlement of \$125,000,000 is a mere drop in the bucket compared to PACER's \$981,626,120 net profit for charging excessive user fees. Moreover, with the \$125,000,000 Settlement the Defendant just received a slap on the wrist. The compound interest alone on the \$984,626,129 in net profits received by PACER for charging excessive user fees that the Defendant earned far exceed the \$125,000,000 settlement.

As it now stands the \$125,000,000 Settlement is one-sided. It is refunding only those persons who paid more than \$350 in excessive PACER fees but is not paying those persons who paid less than \$350 in excessive PACER fees. The settlement only benefits the large corporations, large law offices and large non-profits that spent large amounts paying excessive PACER fees but does nothing for the small or medium size corporation, law firm or non-profit. The old but still true adage comes into play, "Large Corporations control the world." i.e. Microsoft, Monsanto, Apple, Amazon, eBay, etc. Kozich has not seen an accounting of how much money the Defendant should refund to persons who paid less than \$350 in excessive PACER fees or for that matter what is the time frame or quarters that the Defendant has been charging excessive PACER fees. Kozich is certain the time frame far exceeds 37 quarters.

The Settlement should be much higher to include those who paid less than \$350 in excessive Pacer fees and to act as a deterrent and the Defendant should be paying

interest and penalties for knowingly charging excessive fees which monies should go to the users. Otherwise the Defendant will knowingly just continue to charge excessive user fees.

Therefore, Kozich has standing to object to the settlement as Plaintiff and a Class Member in this case.

### III. RELIEF SOUGHT

Kozich is before this court as a Limited Class Member and Amicus:

- a. As a class member because he utilized PACER and paid excessive PACER user fees (Exhibit "A").
- b. As a limited class member because PACER closed Kozich's account and put it into collection because he had an outstanding balance of \$354.60 plus \$94.26 in illegal collection fees for a total of \$448.86 (Exhibit "B") owed to PACER resulting from PACER overcharging excessive fees, and not allowing free looks and copy and paste to pro se persons while allowing attorneys free looks and free copy and paste.

#### A. Pursuant to LCvR 7(o):

1. **The Nature of Kozich's interest:** The complaint and any pending settlement are limited in scope and appear to **address only some but not all** of those PACER users who paid PACER excessive user fees but do not address **all** of those PACER users who have paid excessive PACER user fees or have **not** paid or are delinquent in the payment of excessive user

fees or have been cut-off from utilizing PACER and their account put into collection, or all.

2. **Reason(s) Why Kozich's And Similarly Situated Persons' Position are Not Adequately Represented by a Party:** The complaint and any pending settlement are limited in scope and appear to address only some but not all of those PACER users who paid excessive PACER user fees and do not address those PACER users who have not paid or are delinquent in the payment of excessive PACER user fees or have been cut-off from utilizing PACER and their account put into collection, or all
3. **Reason(s) Why the Matters Asserted Are Relevant to the Disposition of the Case:** The case cannot be fully and fairly adjudicated without including those PACER users who have paid and those who have not paid or are delinquent in the payment of excessive user fees or have been cut-off from utilizing PACER and their account put into collection, or all
4. **Statement of Position of Each Party As to the Amicus:** All parties are opposed to the Amicus. The Plaintiffs because it requires the Plaintiffs to open the class to PACER users who have paid and those who have not paid or are delinquent in the payment of excessive user fees or have been cut-off from utilizing PACER and their account put into collection, or all. The Defendant naturally because opening the class to include users who have paid and those who have not paid the excessive PACER user fees opens

the Defendant to higher damages.

**B. Motion to Appear Telephonically or by ZOOM:**

1. Kozich is before this court pro se and IFP, and resides in Fort Lauderdale, FL.
2. Kozich requests telephonic appearance or ZOOM to explain, clarify and answer any questions that the court may have regarding the facts and circumstance surrounding PACER fees.

**C. Motion to Deem date of Service to be Date of Filing:**

Because he does not have access to ECF, Kozich also requests that with all of his filings, that the court deem the date of service to be the date of filling.

**IV. ARGUMENT**

The complaint and any pending settlement are limited in scope and appear to address only some but not all of those PACER users who have **paid** excessive PACER user fees but do not address all of those PACER users who have paid excessive PACER fees or those PACER users who have **not** paid or are delinquent in the payment of excessive user fees or have been cut-off from utilizing PACER and their account put into illegal collection, or all.

For the quarter FY 2010 PACER had a Net Profit of \$26,611,517 (Exhibit E) and for the period 4/21/10-5/31/18 (a total of 37 quarters) had a Net Profit of \$984,626.129 (37 X \$26,611,517). The Settlement of \$125,000,000 is a mere drop in the bucket compared to PACER's \$981,626,120 net profit for charging excessive user

fees. Moreover, with the \$125,000,000 Settlement the Defendant just received a slap on the wrist. The compound interest alone on the \$984,626,129 in net profits received by PACER for charging excessive user fees that the Defendant earned far exceed the \$125,000,000 settlement.

As it now stands the \$125,000,000 Settlement is one-sided. It is refunding only those persons who paid more than \$350 in excessive PACER fees but is not paying those persons who paid less than \$350 in excessive PACER fees. The settlement only benefits the large corporations, large law offices and large non-profits that spent large amounts paying excessive PACER fees but does nothing for the small or medium size corporation, law firm or non-profit. The old but still true adage comes into play, "Large Corporations control the world." i.e. Microsoft, Monsanto, Apple, Amazon, eBay, etc. Kozich has not seen an accounting of how much money the Defendant should refund to persons who paid less than \$350 in excessive PACER fees or for that matter what is the time frame or quarters that the Defendant has been charging excessive PACER fees. Kozich is certain that the time frame for PACER charging excessive fees far exceeds 37 quarters.

The Settlement should be much higher to include those who paid less than \$350 in PACER excessive fees and to act as a deterrent and the Defendant should be paying interest and penalties for knowingly charging excessive fees which monies should go to the users. Otherwise the Defendant will knowingly just continue to charge excessive user fees.

Kozich also objects to the settlement because the Defendant has purposely not included as a class member or disclosed all persons, such as Kozich, who paid excessive PACER fees so as to evade reimbursing millions of dollars in excessive PACER fees.

Motley Rice LLC relied on the Defendant to identify Class Members which is like having a fox watch the henhouse. Naturally the Defendant is going to minimize its liability and provide a list of Class Members that will produce the least amount of liability.

Kozich requests the Court deny or set aside the settlement, reopen the case and require that the Defendant include as a class member and disclose all persons, including Kozich, who paid excessive PACER fees and disclose the total amount that PACER charged in excessive fees and the time frame or quarters that it charged excessive fees. .

#### **PRESERVATION OF CLAIMS, DEFENSES, COUNTERCLAIMS AND RESERVATION OF RIGHTS**

With the filing of this Motion, Kozich does not waive any claims, defenses or counterclaims which may be available to him and reserves all rights and privileges available to him.

#### **V. CONCLUSION**

**WHEREFORE**, Kozich respectfully requests an order of court,

1. Granting his Verified Objection to the Settlement, deny or set aside the settlement, reopen the case and require that the Defendant disclose all persons, including Kozich, who paid PACER excessive fees and disclose the total amount it charged in excessive fees and the time frame or quarters that PACER charged excessive fees.



2. That the court deem the date of service of Kozich's papers to be the date of filling.
3. That the court grant Kozich's Motion to Appear telephonically or by ZOOM.
4. Or such further and other relief deemed just and equitable.

**VERIFICATION DECLARATION**

I DECLARE under penalty of perjury that the statements made in this motion are true and correct to the best of my knowledge.

/S/ Don Kozich

Don Kozich, Plaintiff-Class Member



I HEREBY CERTIFY that the foregoing was filed with the court on 10/6/23.

/S/ Don Kozich

Don Kozich, Plaintiff-Class Member

PO Box 2032

Fort Lauderdale, FL 33303

954.709.0537

dtkctr@gmail.com



Case Administrator

202.354.3174

202.354.3190

dcd\_intake@dcd.uscourts.gov

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on all counsel or parties of record in accordance with the Service List attached.

/S/ Don Kozich

Don Kozich, Plaintiff-Class Member





David R. Stone  
Chief, PACER Support Branch

(800) 676-6856  
FAX: (210) 301-6441

**PACER SERVICE CENTER**  
**P.O. Box 780549**  
**San Antonio, TX 78278-0549**

01/25/2023

To: Don Kozich  
Don Kozich  
Pob 2032  
Ft. Lauderdale, FL 33303

Account number: 2792766

Subject: Receipt of Payment

---

This letter is to confirm that payment in the amount of \$38.80 was received at the PACER Service Center on 08/08/2009 and applied to account 2792766.

Thank you for making a payment on this account<sup>1</sup>. If you have any questions, please call the PACER Service Center at (800) 676-6856 and a representative will assist you.

Thank you,

PACER Service Center

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<sup>1</sup>Per the *Guide to Judiciary Policies and Procedures* Chapter VII Part C. Para 2.1.8; "...the receipt of an instrument other than cash does not itself discharge the payer's debt or obligation to pay. Only when the instrument has been cleared by the depository is payment actually complete. Therefore, checks or instruments which are rejected or returned unpaid by the depository will require certain action by the court." Additional fees may also apply.

E x A  
1/3



David R. Stone  
Chief, PACER Support Branch

(800) 676-6856  
FAX: (210) 301-6441

**PACER SERVICE CENTER**  
**P.O. Box 780549**  
**San Antonio, TX 78278-0549**

01/25/2023

To: Don Kozich  
Don Kozich  
Pob 2032  
Ft. Lauderdale, FL 33303

Account number: 2792766

Subject: Receipt of Payment

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This letter is to confirm that payment in the amount of \$13.36 was received at the PACER Service Center on 10/29/2009 and applied to account 2792766.

Thank you for making a payment on this account<sup>1</sup>. If you have any questions, please call the PACER Service Center at (800) 676-6856 and a representative will assist you.

Thank you,

PACER Service Center

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<sup>1</sup>Per the *Guide to Judiciary Policies and Procedures* Chapter VII Part C.Para 2.1.8; "...the receipt of an instrument other than cash does not itself discharge the payer's debt or obligation to pay. Only when the instrument has been cleared by the depository is payment actually complete. Therefore, checks or instruments which are rejected or returned unpaid by the depository will require certain action by the court." Additional fees may also apply.

Ex A  
2/3



David R. Stone  
Chief, PACER Support Branch

(800) 676-6856  
FAX: (210) 301-6441

**PACER SERVICE CENTER**  
**P.O. Box 780549**  
**San Antonio, TX 78278-0549**

01/25/2023

To: Don Kozich  
Don Kozich  
Pob 2032  
Ft. Lauderdale, FL 33303

Account number: 2792766

Subject: Receipt of Payment

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This letter is to confirm that payment in the amount of \$21.92 was received at the PACER Service Center on 02/04/2010 and applied to account 2792766.

Thank you for making a payment on this account<sup>1</sup>. If you have any questions, please call the PACER Service Center at (800) 676-6856 and a representative will assist you.

Thank you,

PACER Service Center

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<sup>1</sup>Per the *Guide to Judiciary Policies and Procedures* Chapter VII Part C. Para 2.1.8; "...the receipt of an instrument other than cash does not itself discharge the payer's debt or obligation to pay. Only when the instrument has been cleared by the depository is payment actually complete. Therefore, checks or instruments which are rejected or returned unpaid by the depository will require certain action by the court." Additional fees may also apply.

Ex A  
3/3



**PACER**

Public Access to Court Electronic Records

**INVOICE**

Invoice Date: 10/07/2015

Usage From: 07/01/2015 to: 09/30/2015

**Account Summary**

<b>Account #:</b>	2792766
<b>Invoice #:</b>	2792766-Q32015
<b>Due Date:</b>	11/09/2015
<b>Amount Due:</b>	\$354.60

<b>Pages:</b>	1,803
Rate:	\$0.10
Subtotal:	\$180.30
<b>Audio Files:</b>	0
Rate:	\$2.40
Subtotal:	\$0.00
<b>Current Billed Usage:</b>	\$180.30
<b>Previous Balance:</b>	\$174.30
Current Balance:	<b>\$354.60</b>

**Total Amount Due:** ➔ **\$354.60**

**NextGen CM/ECF**

In August, the Kansas District and Alaska Bankruptcy courts implemented the next generation (NextGen) CM/ECF system. Throughout fall 2015, several other courts plan to convert to the new system. monitor your court's website for additional information. To learn more about NextGen CM/ECF, and how it may affect you and your firm/office, visit the NextGen information page at [pacer.gov/nextgen](http://pacer.gov/nextgen).

- **NextGen Help** ([pacer.gov/nextgen](http://pacer.gov/nextgen)): Provides general information about NextGen conversion
- **Electronic Learning Modules** ([pacer.gov/ecfcbt/cso/index.html](http://pacer.gov/ecfcbt/cso/index.html)): Provides user training for new NextGen features
- **NextGen CM/ECF FAQs** ([pacer.gov/psc/hfaq.html](http://pacer.gov/psc/hfaq.html)): Answers common NextGen-related questions

**Contact Us**

San Antonio: (210) 301-6440  
 Toll Free: (800) 676-6856  
 Hours: 8 am - 6 pm CT M-F  
[pacer@psc.uscourts.gov](mailto:pacer@psc.uscourts.gov)

See [pacer.gov/billing](http://pacer.gov/billing) for detailed billing transactions, instructions for disputing transactions, FAQs, and more.

It's quick and easy to pay your bill online with a credit card. Visit the **Manage My Account** section of the PACER Service Center website at [pacer.gov](http://pacer.gov).

The PACER Federal Tax ID is:  
**74-2747938**

Questions about the invoice?  
 Visit [pacer.gov/billing](http://pacer.gov/billing)

*Please detach the coupon below and return with your payment. Thank you!*



**PACER**

Public Access to Court Electronic Records

Account #	Due Date	Amount Due
2792766	11/09/2015	\$354.60

Do not send cash. Make checks or money orders drawn on a U.S. Bank in U.S. dollars payable to: PACER Service Center. Include your account ID on the check or money order.

*Visit [pacer.gov](http://pacer.gov) for address changes.*

Don Kozich  
 Don Kozich  
 619 No. Andrews Avenue, #408  
 Ft. Lauderdale, FL 33311

PACER Service Center  
 P.O. Box 71364  
 Philadelphia, PA 19176-1364

*Ex B  
 1/1*



don kozich <dtkctr@gmail.com>

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## PACER Fees Class Action

2 messages

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Rublee, Laura <lrublee@motleyrice.com>  
To: "dtkctr@gmail.com" <dtkctr@gmail.com>  
Cc: PACER Litigation <pacertiligation@motleyrice.com>

Mon, Sep 11, 2023 at 3:37 PM

Mr. Kozich,

Thank you for speaking with me today. I understand that you have not received a notice of the settlement of this matter. If you would like the claims administrator to check to see if you are a member of the class, please send your PACER account number and the associated email address to [pacertiligation@motleyrice.com](mailto:pacertiligation@motleyrice.com). It would also be useful to include the mailing addresses, both current and present.

Information about the settlement, as well as a link to the email address I just provided, can be found at <https://www.pacerveesclassaction.com/Home.aspx>. As I explained, class members do not have to file a claim. If the Court approves the proposed Settlement and Plan of Allocation, checks will be automatically sent to class members based on PACER billing records of the Administrative Office of the United States Courts.

As we discussed, we cannot help you with your individual complaint that PACER cut off access to your account for non-payment or with reopening your PACER account. The class action focused only on the excessiveness of the fees, which is the difference in the amount of the fees collected and the actual cost of running the PACER system, that affected all class members, i.e., those who paid PACER fees during the class period.

Regards,

Laura Rublee



**Laura Rublee** Attorney at Law

28 Bridgeside Blvd., Mt. Pleasant, SC 29464

o. 843.216.9192

[lrublee@motleyrice.com](mailto:lrublee@motleyrice.com)

Ex C  
1/3

Confidential & Privileged

Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential information/work product. This communication is intended for the use of the individual or entity named above. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies--electronic, paper or otherwise--which you may have of this communication.

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**don kozich** <dtkctr@gmail.com>  
To: "Rublee, Laura" <lrublee@motleyrice.com>  
Cc: PACER Litigation <pacertiligation@motleyrice.com>

Mon, Sep 11, 2023 at 9:50 PM

----- Forwarded message -----

From: **Rublee, Laura** <lrublee@motleyrice.com>  
Date: Mon, Sep 11, 2023 at 3:37 PM  
Subject: PACER Fees Class Action  
To: dtkctr@gmail.com <dtkctr@gmail.com>

Mr. Kozich,

Thank you for speaking with me today. I understand that you have not received a notice of the settlement of this matter. If you would like the claims administrator to check to see if you are a member of the class, please send your PACER account number and the associated email address to [pacertiligation@motleyrice.com](mailto:pacertiligation@motleyrice.com). It would also be useful to include the mailing addresses, both current and present.

Information about the settlement, as well as a link to the email address I just provided, can be found at <https://www.pacerfeesclassaction.com/Home.aspx>. As I explained, class members do not have to file a claim. If the Court approves the proposed Settlement and Plan of Allocation, checks will be automatically sent to class members based on PACER billing records of the Administrative Office of the United States Courts.

As we discussed, we cannot help you with your individual complaint that PACER cut off access to your account for non-payment or with reopening your PACER account. The class action focused only on the excessiveness of the fees, which is the difference in the amount of the fees collected and the actual cost of running the PACER system, that affected all class members, i.e., those who paid PACER fees during the class period.

Regards,

Laura Rublee

Ex C  
2/3

Laura Rublee Attorney at Law



28 Bridgeside Blvd., Mt. Pleasant, SC 29464

o. 843.216.9192

lrublee@motleyrice.com

Please see attached for my PACER billing.  
 My current mail address is: POB 2032, Fort Lauderdale, FL 33303  
 My current residence address is: 4537 Poinciana St., Fort Lauderdale, FL 33308  
 My phone number is: 9547090537  
 My email address is: dtkctr@gmail.com  
 I appreciate your prompt attention to this matter.  
 Thanks  
 Don Kozich

[Quoted text hidden]

3 attachments



*EC*  
7/3





don kozich <dtkctr@gmail.com>

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**PACER ACCOUNT**

12 messages

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don kozich <dtkctr@gmail.com>  
To: pacerlitigation@motleyrice.com

Mon, Sep 11, 2023 at 9:55 PM

Thank you for speaking with me today. I understand that you have not received a notice of the settlement of this matter. If you would like the claims administrator to check to see if you are a member of the class, please send your PACER account number and the associated email address to pacerlitigation@motleyrice.com. It would also be useful to include the mailing addresses, both current and present.

Please see attached for my PACER billing.

My current mail address is: POB 2032, Fort Lauderdale, FL 33303

My current residence address is: 4537 Poinciana St., Fort Lauderdale, FL 33308

My phone number is: 9547090537

My email address is: dtkctr@gmail.com

I appreciate your prompt attention to this matter.

Thanks

Don Kozich

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 230911 PACER FEES \$354.60 TO MOTLEY-RICE.pdf  
215K

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Rublee, Laura <lrublee@motleyrice.com>  
To: don kozich <dtkctr@gmail.com>, PACER Litigation <pacerlitigation@motleyrice.com>

Thu, Sep 14, 2023 at 9:55 AM

Dear Mr. Kozich,

I received your voicemail this morning and am following up. I had forwarded your information to the claims administrator. They searched by name, address and account number, but you are not showing up in the data as a member of the class.

Please let me know if you have any additional questions.

Regards,

Laura Rublee

---

**Laura Rublee** Attorney at Law

28 Bridgeside Blvd., Mt. Pleasant, SC 29464

END  
1/12



o. 843.216.9192

lrublee@motleyrice.com

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**From:** don kozich <dtkctr@gmail.com>  
**Sent:** Monday, September 11, 2023 9:56 PM  
**To:** PACER Litigation <pacertlitigation@motleyrice.com>  
**Subject:** PACER ACCOUNT

CAUTION:EXTERNAL

[Quoted text hidden]

Confidential & Privileged

Unless otherwise indicated or obvious from its nature, the information contained in this communication is attorney-client privileged and confidential information/work product. This communication is intended for the use of the individual or entity named above. If the reader of this communication is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies—electronic, paper or otherwise—which you may have of this communication.

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**don kozich** <dtkctr@gmail.com>  
To: "Rublee, Laura" <lrublee@motleyrice.com>  
Cc: PACER Litigation <pacertlitigation@motleyrice.com>

Thu, Sep 14, 2023 at 10:14 AM

Laura,  
Why am I not showing up as a member of the class?  
I paid PACER previous billings.  
I want to submit a claim. How do I accomplish submitting a claim?  
Please let me know what you find out.  
Thanks  
Don Kozich

[Quoted text hidden]

Ek/D  
2/12

2 attachments



Rublee, Laura <lrublee@motleyrice.com>  
To: don kozich <dtkctr@gmail.com>  
Cc: PACER Litigation <pacertiligation@molleyrice.com>

Fri, Sep 15, 2023 at 5:02 PM

Dear Mr. Kozich,

I wanted to let you know that we are following up with the administrator and we will get back to you as soon as possible.

Regards,

Laura



**Laura Rublee** Attorney at Law

28 Bridgeside Blvd., Mt. Pleasant, SC 29464

o. 843.216.9192

lrublee@motleyrice.com

Ex 12  
3/12

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**From:** don kozich <dtkctr@gmail.com>  
**Sent:** Thursday, September 14, 2023 10:15 AM  
**To:** Rublee, Laura <lrublee@motleyrice.com>  
**Cc:** PACER Litigation <pacerlitigation@motleyrice.com>  
**Subject:** Re: PACER ACCOUNT

CAUTION:EXTERNAL

[Quoted text hidden]  
[Quoted text hidden]

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**Rublee, Laura** <lrublee@motleyrice.com>  
**To:** don kozich <dtkctr@gmail.com>  
**Cc:** PACER Litigation <pacerlitigation@motleyrice.com>

Tue, Sep 19, 2023 at 11:35 AM

Dear Mr. Zorich,

We are continuing to look into this matter, but hope that you can provide us with some additional information about your PACER account history. Can you call me at your earliest convenience? My direct number is 843-216-9192.

Thank you.

[Quoted text hidden]  
[Quoted text hidden]

---

**Rublee, Laura** <lrublee@motleyrice.com>  
**To:** don kozich <dtkctr@gmail.com>  
**Cc:** PACER Litigation <pacerlitigation@motleyrice.com>

Tue, Sep 19, 2023 at 11:50 AM

Mr. Kozich, I am so sorry that I misspelled your name! In any event, I would appreciate a call.

[Quoted text hidden]  
[Quoted text hidden]

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**don kozich** <dtkctr@gmail.com>  
**To:** "Rublee, Laura" <lrublee@motleyrice.com>  
**Cc:** PACER Litigation <pacerlitigation@motleyrice.com>

Fri, Sep 22, 2023 at 7:04 AM

Laura,  
What is the status of your checking on my account and payment with PACER?  
Thanks  
Don Kozich

[Quoted text hidden]

E-D  
4/12

4 attachments



Rublee, Laura <lrublee@motleyrice.com>  
To: don kozich <dtkctr@gmail.com>  
Cc: PACER Litigation <pacertiligation@motleyrice.com>

Fri, Sep 22, 2023 at 8:38 AM

Dear Mr. Kozich,

We are still looking into your account and why you are not included in the class member data, but we must work with the government to get answers to your questions and, unfortunately, getting answers will take some time.

[Quoted text hidden]  
[Quoted text hidden]  
[Quoted text hidden]

[Quoted text hidden]  
[Quoted text hidden]  
[Quoted text hidden]

[Quoted text hidden]

**Laura Rublee** Attorney at Law

28 Bridgeside Blvd., Mt. Pleasant, SC 29464

ED  
5/12

o. 843.210.9192

lrublee@motleyrice.com

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**From:** don kozich <dlkctr@gmail.com>  
**Sent:** Monday, September 11, 2023 9:56 PM  
**To:** PACER Litigation <pacerlitigation@motleyrice.com>  
**Subject:** PACER ACCOUNT

CAUTION:EXTERNAL

Thank you for speaking with me today. I understand that you have not received a notice of the settlement of this matter. If you would like the claims administrator to check to see if you are a member of the class, please send your PACER account number and the associated email address to pacerlitigation@motleyrice.com. It would also be useful to include the mailing addresses, both current and present.

Please see attached for my PACER billing.

My current mail address is: POB 2032, Fort Lauderdale, FL 33303

My current residence address is: 4537 Poinciana St., Fort Lauderdale, FL 33308

My phone number is: 9547090537

My email address is: dlkctr@gmail.com

I appreciate your prompt attention to this matter.

Thanks

Don Kozich

EVD  
6/12

Confidential & Privileged

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don kozich <dtkctr@gmail.com>  
To: "Rublee, Laura" <lrublee@motleyrice.com>  
Cc: PACER Litigation <pacerlitigation@motleyrice.com>

Thu, Sep 28, 2023 at 8:10 AM

Laura,  
What is the status of your checking on my account and payment with PACER?  
Do I need to file my objection to the settlement?

Thanks  
Don Kozich

[Quoted text hidden]

2 attachments



Rublee, Laura <lrublee@motleyrice.com>  
To: don kozich <dtkctr@gmail.com>  
Cc: PACER Litigation <pacerlitigation@motleyrice.com>

Thu, Sep 28, 2023 at 9:15 AM

Dear Mr. Kozich,

*Be D  
7/12*

We have heard from the government after asking about your account. We were concerned because you had received notice of the class action in 2017, but you were not in the 2023 class member data. The data provided by the government used for sending notices in 2017 had been pulled from the government's billing records using "billed amount" as a parameter. Not all those who received a notice of this class action in 2017 had actually paid PACER fees; they had just been billed for PACER fees. The 2023 data, on the other hand, were pulled from the billing records using "paid amount" as a parameter, so only those who had paid PACER fees were included in that data. As you are aware, class members are those who actually paid PACER fees during the class period. The claims administrator could not locate you in the 2023 data because you had not actually paid PACER fees during the class period. This also explains why you had not received notice of the settlement.

Please let me know if you have any questions.

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[Quoted text hidden]

[Quoted text hidden]

**Laura Rublee** Attorney at Law

28 Bridgeside Blvd., Mt. Pleasant, SC 29464

o. 843.216.9192

lrublee@motleyrice.com

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**From:** Rublee, Laura <lrublee@motleyrice.com>  
**Sent:** Tuesday, September 19, 2023 11:36 AM  
**To:** don kozich <dtkctr@gmail.com>  
**Cc:** PACER Litigation <pacerlitigation@motleyrice.com>  
**Subject:** RE: PACER ACCOUNT

ESD  
8/12  
/



Dear Mr. Zorich,

We are continuing to look into this matter, but hope that you can provide us with some additional information about your PACER account history. Can you call me at your earliest convenience? My direct number is 843-216-9192.

Thank you.

Laura

**Laura Rublee** Attorney at Law

28 Bridgeside Blvd., Mt. Pleasant, SC 29464

o. 843.216.9192

lrublee@motleyrice.com

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**From:** Rublee, Laura <lrublee@motleyrice.com>  
**Sent:** Friday, September 15, 2023 5:02 PM  
**To:** don kozich <dtkctr@gmail.com>  
**Cc:** PACER Litigation <pacertiligation@motleyrice.com>  
**Subject:** RE: PACER ACCOUNT

Dear Mr. Kozich,

I wanted to let you know that we are following up with the administrator and we will get back to you as soon as possible.

Regards,

Laura

Ex D  
9/12

**Laura Rublee** Attorney at Law

[Quoted text hidden]

o. 843.216.9192

lrublee@motleyrice.com

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

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**don kozich** <dtkctr@gmail.com>  
To: "Rublee, Laura" <lrublee@motleyrice.com>  
Cc: PACER Litigation <pacertiligation@motleyrice.com>

Thu, Sep 28, 2023 at 10:04 AM

Laura

The government is wrong, I paid PACER fees.

Therefore I will file my objections to the settlement.

Please provide the name and address of the court to where I file my objections and the email address of all persons to be served?

Thanks

Don Kozich

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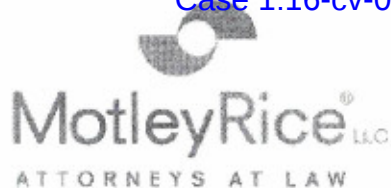
**2 attachments**



image001.png  
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image001.png  
5K

*EVD*  
*10/12*



Rublee, Laura <lrublee@motleyrice.com>  
To: don kozich <dtkctr@gmail.com>  
Cc: PACER Litigation <pacertlitigation@motleyrice.com>

Thu, Sep 28, 2023 at 10:24 AM

Mr. Kozich,

Please see the attached notice of the settlement which contains the information you have requested.

Laura



**Laura Rublee** Attorney at Law

28 Bridgeside Blvd., Mt. Pleasant, SC 29464

o. 843.216.9192

lrublee@motleyrice.com

**From:** don kozich <dtkctr@gmail.com>  
**Sent:** Thursday, September 28, 2023 10:05 AM  
**To:** Rublee, Laura <lrublee@motleyrice.com>  
**Cc:** PACER Litigation <pacertlitigation@motleyrice.com>  
**Subject:** Re: PACER ACCOUNT

Ex D  
11/2

CAUTION:EXTERNAL

Laura

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**Laura Rublee** Attorney at Law

[Quoted text hidden]

o. 843.216.9192

lrublee@motleyrice.com

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 PACER Fees Class Action Notice.pdf  
191K

Ex D  
12/12

Public Access and Records Management Division

AVAILABLE RESOURCES:

Summary of Resources QTRLY Rprt

FY 2010

Actuals

YB

1	PACER Fee Revenue - Prior Year Carry Forward (OXEEPAC)	\$ 34,381,874
2	PACER Fee Revenue - Current Year Receipts (OXEEPAC)	\$ 102,511,199
3	Print Fee Revenue - Prior Year Carry Forward (OXEEPAP)	\$ 516,534
4	Print Fee Revenue - Current Year Receipts (OXEEPAP)	\$ 187,118
5	<b>Total Available Resources</b>	<b>\$ 137,596,725</b>
6	<b>PROGRAM REQUIREMENTS:</b>	
7	<b>Public Access Services and Applications</b>	
8	EPA Program (OXEEPAX)	\$ 18,768,552
9	EPA Technology Infrastructure & Applications (OXEPTAX)	\$ -
10	EPA Replication (OXEPARX)	\$ -
11	<b>Public Access Services and Applications</b>	<b>\$ 18,768,552</b>
12	<b>Case Management/Electronic Case Files System</b>	
13	Development and Implementation (OXEECFP)	\$ 3,695,078
14	Operations and Maintenance (OXEECFM)	\$ 15,536,212
15	CM/ECF Futures (OXECMFD)	\$ 3,211,403
16	Appellate Operational Forum (OXEAOPX)changed from OXEACAX	\$ 144,749
17	District Operational Forum (OXEDCAX)	\$ 674,729
18	Bankruptcy Operational Forum (OXEBCAX)	\$ 492,912
19	<b>Subtotal, Case Management/Electronic Case Files System</b>	<b>\$ 23,755,083</b>
20	<b>Electronic Bankruptcy Noticing:</b>	
21	Electronic Bankruptcy Noticing (OXEBNCO)	\$ 9,662,400
22	<b>Subtotal, Electronic Bankruptcy Noticing</b>	<b>\$ 9,662,400</b>
23	<b>Telecommunications (PACER-Net &amp; DCN)</b>	
24	PACER-Net (OXENETV)	\$ 10,337,076
25	DCN and Security Services (OXENETV)	\$ 13,847,748
26	PACER-Net & DCN (OXDPANV)	\$ -

27	Security Services (OXDSECV)	\$ -
28	<b>Subtotal, Telecommunications (PACER-Net &amp; DCN)</b>	<b>\$ 24,184,824</b>
29	<b>Court Allotments</b>	
30	Court Staffing Additives(OXEEPAA)	\$ 228,373
31	Court Allotments (OXEEPAA) [Incl. in program areas prior to FY 09]	\$ 1,291,335
32	CM/ECF Court Allotments (OXEECFCA)	\$ 7,605,585
33	Courts/AO Exchange Program (OXEXCEX)	\$ 303,527
34	<b>Subtotal, Court Allotments</b>	<b>\$ 9,428,820</b>
35	<b>Total Program Requirements</b>	<b>\$ 85,799,679</b>
36	<i>Congressional Priorities:</i>	
37	<b>Victim Notification (Violent Crime Control Act)</b>	
38	Violent Crime Control Act Notification (OXJVCCD & OXJVCCO)	\$ 332,876
39	<b>Subtotal, Victim Notification (Violent Crime Control Act)</b>	<b>\$ 332,876</b>
40	<b>Web-based Juror Services</b>	
41	Web Based E-Juror Services O&M (OXEJMEO)	\$ -
42	<b>Subtotal, Web-based Juror Services</b>	<b>\$ -</b>
43	<b>Courtroom Technology (OXHCRTO-3000)</b>	
44	Courtroom Technology (OXHCRTO-3000)	\$ 24,731,665
45	<b>Subtotal, Courtroom Technology Program</b>	<b>\$ 24,731,665</b>
46	<b>State of Mississippi (OXEMSPX)</b>	
47	State of Mississippi (OXEMSPX)	\$ 120,988
48	<b>Subtotal, Mississippi State Courts</b>	<b>\$ 120,988</b>
49	<b>Total Congressional Priorities</b>	<b>\$ 25,185,529</b>
50	<b>Total Program &amp; Congressional Priorities</b>	<b>\$ 110,985,208</b>
51	<b>Total EPA Carry Forward (Revenue less Disbursement)</b>	<b>\$ 26,611,517</b>
52	PACER FEE (OXEEPAC) Carry Forward	\$ 26,051,473
53	PRINT FEE (OXEEPAP) Carry Forward	\$ -
54	<b>Total EPA Carry Forward</b>	<b>\$ 26,051,473</b>
55	Total Print Fee Revenue	\$ 703,652
56	Disbursed in (OXEEPAA) Allotments	\$ 143,608
57	PRINT FEE (OXEEPAP) Carry Forward	\$ 560,044

Ex B  
2/2 2