



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBral, Deputy County Attorney
Kate Pingolt Cotner, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney *DR*
DATE: May 17, 2017
SUBJECT: *National Veterans Legal Services Program, et al. v. United States Class Action Lawsuit*

BACKGROUND.

Nonprofit groups have sued the United States government alleging that the United States government has unlawfully charged users of the Public Access to Court Electronic Records ("PACER") system more than necessary to cover the costs of providing public access to federal court records. The United States District Court for the District of Columbia (the "Court") has allowed the lawsuit to be a class action on behalf of all individuals or entities that paid PACER fees between April 21, 2010 and April 21, 2016, excluding class counsel in the case and federal government entities. Indian River County (the "County") has received an email notification that the County may be a class member in this litigation.

By July 17, 2017, the Indian River County Board of County Commissioners ("Board") has to decide whether to stay in the class or exclude itself from the class. No action is required in order to stay in the class. If the County stays in the class, the County agrees to pay the attorneys for the class up to 30 percent of any total recovery in attorneys' fees and expenses with the total amount to be determined by the Court.

FUNDING.

There is no funding associated with this item if the Board decides to stay in the class. Any money obtained as part of any potential settlement or verdict will be deposited into the General Fund/Other Miscellaneous Revenues Acct#001038-369900

RECOMMENDATION.

The County Attorney's Office recommends that the Board vote to stay in the class and authorize the County Attorney's Office to file a claim, if and when eligible to do so.

ATTACHMENT(S).

Class Notice for *National Veterans Legal Services Program, et al. v. United States Class Action Lawsuit*