

Form 10. Bill of Costs(Rev. 12-1-09)

United States Court of Appeals for the Ninth Circuit

BILL OF COSTS

Note: If you wish to file a bill of costs, it **MUST** be submitted on this form and filed, with the clerk, with proof of service, within 14 days of the date of entry of judgment, and in accordance with 9th Circuit Rule 39-1. A late bill of costs must be accompanied by a motion showing good cause. Please refer to FRAP 39, 28 U.S.C. § 1920, and 9th Circuit Rule 39-1 when preparing your bill of costs.

Nordyke, et al v. King, et al 9th Cir. No. 07-15763

The Clerk is requested to tax the following costs against: Appellees

Cost Taxable under FRAP 39, 28 U.S.C. § 1920, 9th Cir. R. 39-1	REQUESTED Each Column Must Be Completed				ALLOWED To Be Completed by the Clerk			
	No. of Docs.	Pages per Doc.	Cost per Page*	TOTAL COST	No. of Docs.	Pages per Doc.	Cost per Page*	TOTAL COST
Excerpt of Record	7	855	\$ 0.1	\$ 598.5			\$	\$
Opening Brief	17	144	\$ 0.1	\$ 244.8			\$	\$
Answering Brief			\$	\$			\$	\$
Reply Brief	17	11	\$ 0.1	\$ 18.7			\$	\$
Other**			\$ 0.1	\$ 7,520.8			\$	\$
TOTAL:				\$ 10,234.1	TOTAL:			

* Costs per page may not exceed .10 or actual cost, whichever is less. 9th Circuit Rule 39-1.

** Other: Any other requests must be accompanied by a statement explaining why the item(s) should be taxed pursuant to 9th Circuit Rule 39-1. Additional items without such supporting statements will not be considered.

Attorneys' fees **cannot** be requested on this form.

Continue to next page.

I, , swear under penalty of perjury that the services for which costs are taxed were actually and necessarily performed, and that the requested costs were actually expended as listed.

Signature

("s/" plus attorney's name if submitted electronically)

Date

Name of Counsel:

Attorney for:

(To Be Completed by the Clerk)

Date

Costs are taxed in the amount of \$

Clerk of Court

By: , Deputy Clerk

Attachment to Appellants' Bill of Costs

In this matter the Court ordered several supplemental briefs and the case was argued twice to an en banc panel. Set forth below is a table of the costs associated with hard copy filings ordered by the original 3-judge panel and the en banc panel.

Dkt #	Title	Number	Pages	Cost	Total
51	Appellants' Supplemental Brief	17	58	0.10	98.60
59	Appellants' Supplement Reply Brief	17	28	0.10	47.60
Pursuant to Docket Entry # 99 <i>sua sponte</i> order that case be heard en banc the following additional hard copies of documents already filed were submitted to the Court.					
22	Appellants' Opening Brief	30	144	0.10	432.00
38	Appellants' Reply Brief	30	11	0.10	33.00
22	Excerpt of Record	30	855	0.10	2565.00
51	Appellants' Supplemental Brief	30	58	0.10	174.00
59	Appellants' Supplemental Reply Brief	30	28	0.10	84.00
89	Plaintiff-Appellants' FRAP 35(a) Brief	30	29	0.10	87.00

Pursuant to Docket Entry # 198 order that case be reheard again by en banc panel the following additional hard copies of documents already filed were submitted again to the Court. Note: The Court had retained 10 copies of previously submitted documents. That is the reason for the difference in number of documents submitted.

22	Appellants' Opening Brief	16	144	0.10	230.40
38	Appellants' Reply Brief	16	11	0.10	17.60
22	Excerpt of Record	16	855	0.10	1368.00
51	Appellants' Supplemental Brief	16	58	0.10	92.80
59	Appellants' Supplemental Reply Brief	16	28	0.10	44.80
89	Plaintiff-Appellants' FRAP 35(a) Brief	16	29	0.10	46.40
150	Appellants' Supplemental Brief Pursuant to July 19, 2010 Order	26	57	0.10	148.20
189	Appellants' Petition for Panel Rehearing and/or En Banc Rehearing	26	26	0.10	67.60

191	Appellants' Motion for Leave to File a Reply Brief in Support of Panel Rehearing and/or En Banc Rehearing	26	13	0.10	33.80
220	Complied FRAP 28(j) Submissions	26	750	0.10	1950.00
TOTAL					\$7,520.80

I, Donald Kilmer, swear under penalty of perjury that the services for which costs are taxed in this attachment to Appellants' Bill of Costs were actually and necessarily performed, and that the required costs were actually expended as listed.

Date: June 14, 2012

s/ Donald Kilmer
Counsel for Appellants

CERTIFICATE OF SERVICE

On June 14, 2012, I served the foregoing APPELLANTS' BILL OF COSTS by electronically filing it with the Court's ECF/CM system, which generated a Notice of Filing and effects service upon counsel for all parties in the case. [By agreement, hard-copy service of County Counsel Richard Winnie has been previously waived by T. Peter Peirce, Attorney of Record for Appellees.]

I declare under penalty of perjury that the foregoing is true and correct.

Executed this June 15, 2012,

/s/ Donald Kilmer

Attorney of Record for Appellants