

No. 07 – 15763 [DC# CV 99-4389-MJJ]

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IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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RUSSELL ALLEN NORDYKE; et al.,  
*Plaintiffs - Appellants,*

vs.

MARY V. KING; et al.,  
*Defendants - Appellees.*

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APPEAL FROM THE  
UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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**MOTION FOR RECONSIDERATION OF ORDER**  
**FILED June 15, 2012 – RE: BILL OF COSTS**  
[DktEntry: 271]

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Co-Counsel for Plaintiff - Appellants

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**MOTION**

On June 15, 2012, Deputy Clerk Theresa Benitez, entered an order on behalf of Molly C. Dwyer – Clerk of the Court, denying Appellants’ Bill of Costs and declaring that Appellants were not the prevailing party. (DktEntry: 271)

On June 22, 2012 Appellants filed a motion to have this Court determine (among other requests) that they are the prevailing party in this matter. (DktEntry: 273-1)

In light of that motion and pursuant to Ninth Circuit Rule 27-10, Appellants request a reconsideration of the June 15, 2012 Order denying their Bill of Costs, and/or that the matter be referred to an appellate commissioner and/or the Judge(s) who will be adjudicating the motion.

Respectfully Submitted on June 26, 2012,

/s/ Donald Kilmer

Donald Kilmer, Attorney for Appellants.

**CERTIFICATE OF SERVICE**

On June 26, 2012, I served the foregoing **MOTION FOR RECONSIDERATION OF ORDER FILED June 15, 2012 – RE: BILL OF COSTS** [DktEntry: 271] 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 26, 2012,

/s/ Donald Kilmer

Attorney of Record for Appellants