

AO 133 (Rev. 12/09) Bill of Costs

UNITED STATES DISTRICT COURT

for the

District of Columbia

American Society for)
 Prevention of Cruelty)
 to Animals, et al.,)
 v.)
 Feld Entertainment, Inc.)

Case No.: Civ. No. 03-2006 (EGS)

BILL OF COSTS

Judgment having been entered in the above entitled action on 12/30/2009 against Plaintiffs,
Date
 the Clerk is requested to tax the following as costs:

1. Fees of the Clerk	\$	-0-
2. Fees for service of summons and subpoena <u>§ II(A)</u>		10,642.69
3. Fees for printed or electronically recorded transcripts necessarily obtained for use in the case <u>§(B)(1) & (B)(2)</u>		101,521.81
4. Fees and disbursements for printing <u>§ II(C)</u>		2,262.94
5. Fees for witnesses (itemize on page two) <u>§ II(D)(1), (2) & (3)</u>		41,203.64
6. Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case. <u>§ E(1) & (2)</u>		32,125.35
7. Docket fees under 28 U.S.C. 1923		-0-
8. Costs as shown on Mandate of Court of Appeals		-0-
9. Compensation of court-appointed experts		-0-
10. Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 <u>§ II(F)</u>		1,160.00
11. Other costs (please itemize) <u>§ II(G)</u>		47,152.49
	TOTAL \$	236,068.92

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

Electronic service First class mail, postage prepaid

Other:

s/ Attorney:



Name of Attorney: Lisa Zeiler Joiner

For: Feld Entertainment, Inc.

Name of Claiming Party

Date: 2/19/2010

Taxation of Costs

Costs are taxed in the amount of _____ and included in the judgment.

By: _____

Clerk of Court

Deputy Clerk

Date

AO 133 (Rev. 12/09) Bill of Costs

UNITED STATES DISTRICT COURT

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME, CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
See attached at § II (D)							
					TOTAL	\$41,203.64	

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:
 "Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

RULE 54(d)(1)

Costs Other than Attorneys' Fees.

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

RULE 6

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule 5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**AMERICAN SOCIETY FOR THE
PREVENTION OF CRUELTY TO
ANIMALS, et al.,**

Plaintiffs,

v.

FELD ENTERTAINMENT, INC.,

Defendant.

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Case No. 03-2006 (EGS/JMF)

FELD ENTERTAINMENT, INC.'S BILL OF COSTS

Pursuant to Fed.R.Civ.P. 54(d)(1) and LCvR 54.1, Defendant Feld Entertainment, Inc. (“FEI”) hereby submits its Bill of Costs as itemized below:

I. FEI IS THE PREVAILING PARTY ON ALL COUNTS

Plaintiffs filed suit under the Endangered Species Act (“ESA”), 16 U.S.C. § 1531, *et seq.* claiming that Defendant’s use of a tool, known as a “guide” or “bullhook” or “ankus,” and the chaining of its Asian elephants violated the ESA. *See, e.g.*, Complaint, Civ. Action No. 00-1641 (7/11/00). Plaintiffs filed a Second Amended Complaint on April 10, 2001, which the Court dismissed on June 29, 2001 for lack of standing. *See Mem. Op. & Order*, Civ. No. 00-1641 (6/29/01) (Docket #20). The Court of Appeals reversed that decision on February 4, 2003. *See ASPCA v. Ringling Bros.*, 317 F.3d 334 (D.C. Cir. 2003).

On September 26, 2003, Plaintiffs filed another complaint, which was docketed as Civil Action Number 03-2006, alleging the same violations under the ESA against FEI. *See, e.g.*, (Third) Complaint (9/26/03) (Docket #1). Plaintiffs initially sought injunctive relief and forfeiture for all 54 of FEI’s elephants. *Id.* On August 23, 2007, the Court granted FEI summary

judgment as to 21 of its elephants that were subject to a captive-bred wildlife permit. *See ASPCA v. Ringling Bros.*, 502 F.Supp.2d 103 (D.D.C. 2007). On October 25, 2007, the Court granted in part Defendant's motion to reconsider its summary judgment ruling, and further granted summary judgment on all but 7 of its elephants. *ASPCA v. Ringling Bros.*, 246 F.R.D. 29 (D.D.C. 2007); Mem. Op. at 10 n.7 (12/30/09) (Docket #559).

Plaintiffs abandoned their request for forfeiture at a pre-trial hearing. *See Minute Order* (6/11/08). The case proceeded to trial on 7 elephants on February 4, 2009 and concluded on March 18, 2009. Plaintiffs abandoned their request for injunctive relief at trial. *See Mem. Op.* at 8 n.6 (12/30/09) (Docket #559). The parties submitted Proposed Findings of Fact and Conclusions of Law, closing arguments concluded on July 14, 2009, and the Court then took the case under advisement. On December 30, 2009, the Court issued its ruling in favor of FEI and entered final judgment for FEI. *See Order and Judgment* (Docket #558), *Mem. Op.* (Docket #559).

Consequently, FEI is the prevailing party on all claims brought by Plaintiffs and is entitled to its costs incurred in successfully defending Plaintiffs' suit: "[C]osts—other than attorney's fees—*should be allowed* to the prevailing party." Fed.R.Civ.P. 54(d)(1)(emphasis added). The costs presented herein are true and accurate, reflecting amounts actually incurred by FEI. *See Ex. 1* (Declaration of counsel for FEI).

II. ITEMIZATION OF COSTS

FEI's costs incurred in defense of this action are as follows:

A. Fees for Service of Summons and Subpoena

Witness	Type of Testimony	Cost of Service
Jonathan Lovvorn	Evidentiary Hearing	90.00
Eric Glitzenstein	Evidentiary Hearing	90.00
Custodian of Records, Meyer Glitzenstein & Crystal	Evidentiary Hearing	90.00
Custodian of Records, Wildlife Advocacy Project	Evidentiary Hearing	90.00
D'arcy Kemnitz	Evidentiary Hearing	90.00
Lisa Weisberg	Evidentiary Hearing	310.00
Nicole Paquette	Evidentiary Hearing	170.00
Katherine Meyer	Evidentiary Hearing	180.00
Cathy Liss	Evidentiary Hearing	100.00
Tracy Silverman	Evidentiary Hearing	100.00
Michael Markarian	Evidentiary Hearing	180.00
Tom Rider	Evidentiary Hearing	7,157.94
Cathy Liss	Trial	100.00
Lisa Weisberg	Trial	170.00
Michael Markarian	Trial	1,030.00
Betsy Swart	Deposition	49.75
Lauren Silverman	Deposition	85.00
Miyun Park	Deposition	85.00
PETA	Document Subpoena	50.00
PETA	Document Subpoena	50.00
Wildlife Advocacy Project	Document Subpoena	50.00
Humane Society of the United States	Document Subpoena	80.00
PETA	Document Subpoena	245.00
TOTAL		\$10,642.69

Authority: LCvR 54.1(d)(11).

Documentation: Bill of Costs No. 2; Ex. 2 (attaching service of process invoices).

B. Fees for Printed or Electronically Recorded Transcripts Necessarily Obtained For Use in the Case

1. Deposition Transcripts*

Deponent	Prevailing Party / Used on Record	Cost
Tom Rider statement to PAWS	Used on Record	430.55
Miyun Park (1/5/05)	Prevailing Party	686.10
Angela Martin (3/9/05)	Used on Record	589.15
Betsy Swart (3/18/05)	Used on Record	955.30
Lauren Silverman (3/30/05)	Prevailing Party	813.65
AWI 30(b)(6) – Cathy Liss (5/18/05)	Prevailing Party and Used on Record	893.65
FFA 30(b)(6) – Michael Markarian	Prevailing Party and Used on Record	932.80
ASPCA 30(b)(6) – Lisa Weisberg	Prevailing Party and Used on Record	968.75
Troy Metzler (7/25/06)	Used on Record	1,320.00
Robert Ridley (8/25/06)	Used on Record	430.60
Tom Rider (10/12/06)	Used on Record	1,552.55
Gerald Ramos (1/24/07)	Used on Record	475.80
Alex Vargas (5/31/07)	Used on Record	811.74
Gary Jacobson (10/24/07)	Used on Record	1,522.32
Gary Jacobson (11/20/07)	Used on Record	340.49
Joseph Frisco (12/7/07)	Used on Record	1,114.38
Robert & Margaret Tom (12/17/07)	Prevailing Party & Used on Record	2,086.05
Tom Rider (12/18-19/07)	Prevailing Party & Used on Record	5,117.45
Archele Hundley (12/19/07)	Prevailing Party and Used on Record	1,210.50
Wildlife Advocacy Project 30(b)(6) – Eric Glitzenstein (12/21/07)	Prevailing Party & Used on Record	2,424.00
**Sacha Houcke (1/7/08)	Prevailing Party & Used on Record	4,088.92
Kenneth Feld	Used on Record	1,182.41
FEI 30(b)(6) – Gary Jacobson (1/18/08)	Used on Record	1,054.65
API 30(b)(6) – Nicole Paquette (1/29-30/08)	Prevailing Party & Used on Record	1,254.25
Wildlife Advocacy Project	Prevailing Party & Used on	668.60

30(b)(6) – Eric Glitzenstein (1/29/08)	Record	
James Andacht (1/30/08)	Used on Record	1,108.65
D’Arcy Kemnitz (2/20/08)	Prevailing Party & Used on Record	315.05
Michael Keele (7/17/08)	Used on the Record	661.60
Benjamin Hart (7/22/08)	Prevailing Party & Used on Record	1,271.90
Carol Buckley (7/28/08)	Prevailing Party & Used on Record	1,994.20
Dr. Theodore Friend (7/31/08)	Used on the Record	778.75
Gail Laule (8/5/08)	Prevailing Party & Used on Record	1,070.60
Kari & Gary Johnson (8/19/08)	Used on the Record	530.75
Ros Clubb (8/22/08)	Prevailing Party & Used on Record	1,181.05
Philip Ensley (8/25/08)	Prevailing Party & Used on Record	1,340.60
Joyce Poole (8/27/08)	Prevailing Party & Used on Record	1,257.25
Dennis Schmitt (8/29/08)	Used on the Record	635.25
Colleen Kinzley (9/5/08)	Prevailing Party & Used on Record	1,276.30
Brian French (11/6/08)	Used on Record	688.50
Geoffrey Pettigrew (11/14/08)	Used on Record	579.00
Jerome Sowalsky (11/18/08)	Used on Record	270.25
Daniel Raffo (12/2/08)	Used on Record	1,146.00
Carrie Coleman (12/12/08)	Used on Record	877.25
TOTAL		\$49,907.61

*FEI is seeking only standard rate for deposition transcripts, which is \$3.95 per page.

**Sacha Houcke’s deposition was conducted in Paris, France, and is the standard rate.

Authority: LCvR 54.1(d)(6); 28 U.S.C. § 1920(2).

Documentation: Bill of Costs No. 3, Ex. 3 (attaching court reporter invoices).

2. Hearing or Trial Transcripts

Type	Necessarily Obtained For	Cost
Trial Transcript (J. Sullivan) 2/4/09	Appeal	11,540.40 (daily)
2/5/09	Daily rate = 8.15 per page	
2/6/09	Expedited = 6.35 per page	2,133.60
2/9/09	Realtime = 3.05 per page	(expedited)

2/10/09 2/11/09 2/18/09 2/23/09 2/24/09 3/3/09 3/4/09 3/5/09 3/9/09 3/10/09 3/11/09		4,562.80 (real time) 18,236.80
Trial Transcript (L. Hand) 2/4/09 (p.m.) 2/5/09 (p.m.)	Appeal Daily rate = 6.05 per page Copy rate = 1.20 per page	2,305.50 (daily & one copy)
Trial Transcript (C. Kerr) 2/12/09 (p.m.)	Appeal Daily rate = 6.05 per page Copy rate = 1.20 per page	1,152.75 (original & one copy)
Trial Transcript (L. Hand) 2/9/09 through 2/12/09	Appeal Daily rate = 6.05 per page Copy rate = 1.20 per page	3,581.50 (original & one copy)
Trial Transcript (L. Hand) 2/17/09 through 2/19/09	Appeal Daily rate = 6.05 per page Copy rate = 1.20 per page	2,283.75 (original & one copy)
Trial Transcript (C. Kerr) 2/17/09 (Part II p.m.)	Appeal Daily rate = 6.05 per page Copy rate = 1.20 per page	964.25 (original & one copy)
Trial Transcript (C. Kerr) 2/19/09	Appeal Daily rate = 6.05 per page Copy rate = 1.20 per page	964.25 (original & one copy)
Trial Transcript (C. Kerr) 2/23/09 (p.m.) 2/24/09 (p.m.)	Appeal Daily rate = 6.05 per page Copy rate = 1.20 per page	1,682.00 (original & one copy)
Trial Transcript (L. Hand) 2/23/09 2/24/09	Appeal Daily rate = 6.05 per page Copy rate = 1.20 per page	1,435.50 (original & one copy)
Trial Transcript (C. Kerr) 2/26/09	Appeal Expedited rate = 4.85 per page	833.75 (original & one copy)

	Copy rate = .90 per page	
Trial Transcript (R. Stonestreet) 3/12/09 (p.m.)	Appeal Expedited rate = 4.85 per page Copy rate = .90 per page	679.00 (original) 427.00 (Realtime) 1,106.00
Trial Transcript (J. Sullivan) 3/12/09 3/13/09 3/16/09 3/18/09	Appeal Expedited rate = 4.85 per page Copy rate = .90 per page Daily rate = 6.05 per page Copy rate = 1.20 per page Realtime rate = 3.05 per page	1,848.75 (daily original & one copy) 1,387.75 (Realtime) 1,581.25 (expedited original & one copy) 4817.75
Trial Transcript (S. Wallace) 3/16/09 (p.m.)	Appeal Daily rate = 6.05 per page Copy rate = 1.20 per page Realtime rate = 3.05 per page	659.75 (daily original & one copy) 277.55 (Realtime) 937.30
Trial Transcript (W. Ricard) 3/4/09 3/5/09 3/9/09 3/10/09 3/11/09 3/12/09 3/16/09 3/18/09	Appeal Daily rate = 6.05 per page Copy rate = 1.20 per page	7,605.25 (original & one copy)
Trial Transcript (L. Griffith) 7/14/09 (closing arguments)	Appeal	192.00 (original)
Evidentiary Hearing Transcript (C. Jones) 2/26/08	Appeal Expedited rate = 4.85 per page	1,212.50 (original)
Evidentiary Hearing Transcript (W. Ricard) 3/6/08	Appeal 14-day rate = 4.08 per page	408.00 (original)

Hearing on Preliminary Injunction Transcript (J. Sullivan) 5/22/08	Appeal	102.00 (original)
Evidentiary Hearing Transcript (C. Kerr) 5/30/08	Appeal Expedited rate = 4.85 per page	926.35 (original)
Pre-Trial Hearing Transcript (re abandonment of forfeiture claim) (J. Sullivan) 6/11/08	Appeal	200.00 (original)
Pretrial Conference Transcript 10/14/08	Appeal Expedited rate = 4.85 per page Copy rate = .90 per page	667.00 (original & one copy)
TOTAL		\$51,614.20

Authority: LCvR 54.1(d)(7); 28 U.S.C. § 1920(2).

Documentation: Bill of Costs No. 3; Ex. 4 (attaching court reporter invoices for transcripts).

C. Fees and Disbursements for Printing

Description	Date	Quantity	Cost
Copies of electronic trial exhibits pursuant to 7/24/08 Pre-Trial Order, ¶ 8 (requiring parties to exchange exhibits) (Docket #321)	Invoice: 8/26/08	29	1,450.00
Paper exhibits filed with court pursuant to 7/24/08 Court Pre-trial Order, ¶8 (requiring defendant to provide one complete set of hard copy exhibits) (Docket #321)	Invoice: 8/29/08	226 color pages	14.34
Copies of electronic trial exhibits pursuant to 7/24/08 Pre-Trial Order, ¶ 8 (requiring parties to exchange exhibits) (Docket #321)	Invoice: 8/21/08	56	798.60
TOTAL			\$2,262.94

Authority: 28 U.S.C. § 1920(3); Court Orders indicated herein.

Documentation: Bill of Costs No. 4; Ex. 5 (attaching vendor invoices).

D. Fees for Witnesses

1. Witness Fees Pursuant to 28 U.S.C. § 1821(b)

Witness	Testimony	Cost
Miyun Park (Takoma Park, MD)	Witness fee for deposition attendance	45.00
Lauren Silverman (Rockville, MD)	Witness fee for deposition attendance	50.00
Animal Protection Institute (Sacramento, CA)	Witness fee for deposition attendance	40.00
Archele Hundley (WV)	Witness fee for deposition attendance	40.00
D'Arcy Kemnitz (Washington, DC)	Witness fee for deposition attendance	40.00
Robert Tom, Jr. (KY)	Witness fee for deposition attendance	40.00
Margaret Tom (KY)	Witness fee for deposition attendance	40.00
Meyer Glitzenstein & Crystal (Washington, DC)	Witness fee for deposition attendance	40.00
Wildlife Advocacy Project (Washington, DC)	Witness fee for deposition attendance	40.00
Jonathan Lovvorn (Washington, DC)	Witness fee for evidentiary hearing	40.00
Michael Markarian (MD)	Witness fee for evidentiary hearing	40.00
Katherine Meyer (Washington, DC)	Witness fee for evidentiary hearing	40.00
Cathy Liss (Alexandria, VA)	Witness fee for evidentiary hearing	40.00
Nicole Paquette (Sacramento, CA)	Witness fee for evidentiary hearing	40.00
Wildlife Advocacy Project (Washington, DC)	Witness fee for evidentiary hearing	40.00
Lisa Weisberg (NY)	Witness fee for evidentiary hearing	40.00
Tracy Silverman (VA)	Witness fee for evidentiary hearing	40.00
D'Arcy Kemnitz (Washington, DC)	Witness fee for evidentiary hearing	40.00
Eric Glitzenstein (Washington, DC)	Witness fee for evidentiary hearing	40.00

Meyer Glitzenstein & Crystal (Washington, DC)	Witness fee for evidentiary hearing	40.00
Tom Rider (unknown)	Witness fee for evidentiary hearing	40.00
Animal Welfare Institute (Liss and Silverman) (VA) (combined check issued for both witnesses payable to AWI as per witness' request)		
Cathy Liss	Witness fee for trial Mileage fee	40.00 4.57
Tracy Silverman	Witness fee for trial Mileage fee	40.00 4.57
Michelle Sinnott (Washington, DC)	Witness fee for trial Mileage fee	40.00 1.58
Michael Markarian (MD)	Witness fee for trial Mileage fee	40.00 17.20
Lisa Weisberg (NY)	Witness fee for trial	40.00
Eric Glitzenstein (Washington, DC)	Witness fee for trial Mileage fee	40.00 1.58
TOTAL		\$1,124.50

Authority: LCvR 54.1(d)(10); 28 U.S.C. §§ 1821(b) & (c)(2); § 1920(3).

Documentation: Bill of Costs No. 5; Ex. 6 (attaching invoices and checks).

2. Travel Costs Pursuant to 28 U.S.C. § 1821(c)

The following witnesses incurred roundtrip travel expenses via common carrier to and from deposition and/or trial.

Witness	Testimony/Date	Actual Cost of Travel
Michael Keele	Deposition (7/17/08)	826.76:

		765.00 (airfare) 31.51 (airport parking) 30.25 (cab fare)
Michael Keele	Trial	1,177.34 926.90 (airfare) 197.90 (taxi) 52.54 (airport parking)
Kari and Gary Johnson	Deposition (8/08)	1,110.00 1,068.00(airfare) 14.00 (taxi) 28.00 (airport parking)
Kari and Gary Johnson	Trial	3,051.00 2,954.00 (airfare) 50.00 (luggage charge) 15.00 (taxi) 32.00 (airport parking)
Ted Friend	Trial	1,372.50 1,311.50 (airfare) 40.00 (taxi) 18.00 (airport parking) 3.00 (tolls)
Ted Friend	Deposition	762.50 604.50 (airfare) 40.00 (taxi) 18.00 (airport parking) 100.00 (mileage)
James Andacht	Deposition (1/30/08)	1,740.00 1,699.00 (airfare) 40.00 (taxi) 1.00 (tolls)
Carrie Coleman	Deposition (12/08)	353.00 338.00 (airfare) 15.00 (taxi)
Carrie Coleman	Trial	384.20 (airfare)
Brian French	Deposition (11/08)	635.23 (airfare)
Brian French	Trial	1,898.85 (airfare)
Joseph Frisco	Deposition (12/7/07)	265.80 (airfare)
Gary Jacobson	Deposition (10/24/07)	404.80 340.80 (airfare) 64.00 (taxi)
Gary Jacobson	Deposition (11/20/07)	522.80 500.80 (airfare) 22.00 (taxi)
Gary Jacobson	Trial	1,490.50

		1,447.00 (airfare) 18.50 (tolls) 25.00 (taxi)
Troy Metzler	Deposition (7/25/06)	675.20 452.10 (airfare) 223.10 (taxi)
Troy Metzler	Trial	803.40 (airfare)
Geoffrey Pettigrew	Deposition (11/14/08)	1,025.90 (airfare)
Daniel Raffo	Deposition (12/2/08)	622.22 (airfare)
Daniel Raffo	Trial	1,028.20 (airfare)
Dennis Schmitt	Deposition (8/08)	1,321.40 1,335.50 (airfare) 249.90 (rental car) 36.00 (park)
Jerome Sowalsky	Deposition (11/08)	12.00 (taxi)
Jerome Sowalsky	Trial	20.00 (parking)
Robert and Margaret Tom	Depositions (12/17/07)	1,362.20 (airfare)
Alejandro Vargas	Deposition (5/31/07)	546.07 (airfare)
TOTAL		\$23,411.87

Authority: LCvR 54.1(d)(10); 28 U.S.C. § 1821(c).

Documentation: Bill of Costs No. 5; Ex. 7 (attaching witness invoices and receipts).

3. Subsistence Costs Pursuant to 28 U.S.C. § 1821(d)

The following witnesses incurred subsistence costs while staying overnight awaiting his/her trial and/or deposition testimony.

Witness	Testimony/Date	Actual Subsistence Costs Incurred	Maximum Allowable Subsistence Costs Pursuant to 28 U.S.C. § 1821(d)
Michael Keele	Deposition (7/17/08)	Total: 1,794.09 1,787.50 (hotel/meals) 6.59 (meals)	872.00
Mike Keele	Trial	Total: 2,356.52 2,255.65 (hotel) 100.87 (meals)	1,325.00
Kari and Gary	Deposition (8/08)	Total: 1,277.27 (hotel)	1,277.27

Johnson			
Kari and Gary Johnson	Trial	Total: 1,342.00 1,154.94 (hotel) 187.06 (meals)	1,342.00
Ted Friend	Trial	92.83 (hotel)	92.83
Ted Friend	Deposition (7/08)	727.61 (hotel)	654.00
James Andacht	Deposition (1/30/08)	Total: 1,475.54 1,434.44 (hotel) 41.10 (meals)	795.00
Carrie Coleman	Deposition (12/08)	1,030.89 (hotel)	795.00
Carrie Coleman	Trial	605.58 (hotel)	605.58
Brian French	Trial	377.72 (hotel)	377.72
Brian French	Deposition (11/6/08)	868.40 (hotel)	819.00
Gary Jacobson	Deposition (10/24/07)	Total: 1,284.06 1,265.60 (hotel) 18.46 (meals)	777.00
Gary Jacobson	Deposition(11/20/07)	Total: 236.87 184.56 (hotel) 52.31 (meals)	236.87
Gary Jacobson	Trial	Total: 2291.67 2,099.43 (hotel) 192.24 (meals)	2,291.67
Troy Metzler	Deposition (7/25/06)	Total: 971.11 884.42 (hotel) 86.69 (meal)	856.00
Troy Metzler	Trial	1,318.71 (hotel & meals)	1,092.00
Geoffrey Pettigrew	Deposition (11/14/08)	870.57 (hotel & meals)	870.57
Daniel Raffo	Deposition (12/2/08)	342.36 (hotel)	342.36
Daniel Raffo	Trial	341.78 (hotel)	341.78
Dennis Schmitt	Deposition (8/08)	Total: 972.16 886.00 (hotel) 86.16 (meals)	654.00
Robert and Margaret Tom	Depositions (12/17/07)	249.62 (hotel)	249.62
TOTAL CLAIMED			\$16,667.27

Authority: LCvR 54.1(d)(10); 28 U.S.C. § 1821(d).

Documentation: Bill of Costs No. 5, Ex. 7 (attaching witness invoices and receipts).

E. Fees for Exemplification and Costs of Making Copies of Any Materials Where the Copies Are Necessarily Obtained for Use in the Case

1. Costs of Copying Exhibits Introduced Into Evidence, Used for Impeachment, or Filed with Court

Description	Date	Quantity	Cost
Paper exhibits filed with court pursuant to 10/15/08 Court Pre-trial Order, ¶8 (requiring defendant to provide one complete set of hard copy exhibits)	Invoice: 9/30/08	166,344 b&w pages (at .10 per page)	16,634.40
		4,144 color pages (at .90 per page)	3,729.60
		1,720 Folders	1,720.00
		576 Redwelds	1,728.00
			23,812.00
Electronic Copies of Webcam Exhibits Used for Impeachment at Trial (Buckley)	Invoice: 6/19/08- 8/4/08		5,525.00
*FEI's Motion for Summary Judgment	9/5/06 (Docket # 82-84)	1942	291.30
*FEI's Motion to Compel Documents Subpoenaed from the Wildlife Advocacy Project	9/6/06 (Docket # 85-87)	335	50.25
*FEI's Reply in Support of Motion for Summary Judgment	10/27/06 (Docket # 100)	924	138.60
*FEI's Motion to Compel Discovery from Organizational Plaintiffs	5/29/07 (Docket #149)	348	52.20
*FEI's Response in Opposition to Plaintiff's Rule 11 Motion	8/16/07 (Docket # 165-170)	4905	735.75
*FEI's Evidentiary Hearing Exhibits pursuant to 2/12/08 (requiring parties to exchange witness and exhibits)	2/12/08 Minute Order	8135	1,220.25
TOTAL			\$31,825.35

*Fulbright & Jaworski's standard cost for photocopying is \$.15 per page.

Authority: LCvR 54.1(8); 28 U.S.C. § 1920(4).

Documentation: Bill of Costs No. 6; Ex. 8 (attaching vendor invoices/receipts and law firm records).

2. Other Costs of Copying up to \$300.00

Description	Date	Quantity	Actual Cost	Maximum Allowable Cost Pursuant to LCvR 54.2(d)(9)
Copying costs of documents produced in discovery	1/28/08	11,179 pages	558.95	300.00
Copying costs of documents produced in discovery	6/4/06	4,542 pages	545.04	
TOTAL CLAIMED				\$300.00

Authority: LCvR 54.1(d)(9); 28 U.S.C. § 1920(4).

Documentation: Bill of Costs No. 6; Ex. 9 (attaching vendor invoices).

F. Interpreter Costs

Description	Date	Cost
Daniel Raffo Deposition Spanish Interpreter Services (M. McFadden)	12/2/08	160.00
Spanish-English Interpreter Services for Daniel Raffo at Trial (Blumberg-Lorenzana)	3/4/09	500.00
Spanish-English Interpreter Services for Daniel Raffo at Trial (Portada LLC/M. Teresa Roman)	3/4/99	500.00
TOTAL		\$1,160.00

Authority: LCvR 54.1(d)(12); 28 U.S.C. 1920(6)

Documentation: Bill of Costs No. 10, Ex. 10. (attaching interpreter invoices).

G. Other Costs

1. Costs Incurred Pursuant to Court Order

Description	Date	Basis	Cost
Electronic Linking to Record of Post Trial Brief and Proposed Findings of Fact and Conclusions of Law and Responses Thereto (Resonant Legal Media LLC)	6/29/09	10/15/08 Pre-Trial Order at ¶23 (ordering parties to submit electronically-linked post trial briefings) (Docket # 374)	45,392.49
*Videotaping of Court-Ordered Inspection (Auburn Hills, MI)	11/13/07	9/25/07 Inspection Order ¶ 4(Docket # 195)	1,260.00
Videotaping of Court-Ordered Inspection at CEC (Florida)	12/2007	9/25/07 Inspection Order ¶ 4 (ordering parties to videotape inspection and share the costs) (Docket # 195)	500.00
TOTAL			\$47,152.49

*The costs presented represent only FEI's share of the videotape cost.

Authority: Fed.R.Civ.P. 54(d)(1); 10/15/08 Pre-Trial Order at ¶23 (Docket # 374); 9/25/07 Inspection Order ¶ 4(Docket # 195).

Documentation: Bill of Costs No. 11; Ex. 11 (attaching vendor receipts).

2. Interest

FEI seeks interest on any amounts taxed as costs from time of the Clerk's entry of the taxes until payment is satisfied in full.

Authority: 28 U.S.C. § 1961.

III. CONCLUSION

FEI, as the prevailing party on all counts, is entitled to its costs incurred in the defense of Plaintiffs' suit. A summary of all costs presented herein is as follows:

Type of Cost Incurred	Section Above Itemizing Cost	Total Cost
Fees for Service of Summons and Subpoena	§II(A)	10,642.69
Fees for Printed or Electronically Recorded Transcripts Necessarily Obtained for Use in the Case	§II(B)(1)	49,907.61
Hearing or Trial Transcripts	§II(B)(2)	51,614.20
Fees and Disbursements for Printing	§II(C)	2,262.94
Fees for Witnesses Witness Fees Pursuant to 28 U.S.C. § 1821(b)	§II(D)(1)	1,124.50
Travel Costs Pursuant to 28 U.S.C. § 1821 (c)	§II(D)(2)	23,411.87
Subsistence Costs Pursuant to 28 U.S.C. § 1821 (d)	§II(D)(3)	16,667.27
Fees for Exemplification and Costs of Making Copies of Any Materials Where the Copies Are Necessarily Obtained For Use in the Case Costs of Copying Exhibits Introduced Into Evidence, Used for Impeachment, or Filed with Court	§II(E)(1)	31,825.35
Other Costs of Copying Up To \$300.00	§II(E)(2)	300.00
Interpreter Costs	§II(F)	1,160.00
Other Costs Other Costs Pursuant to Court Order	§II(G)(1)	47,152.49
Interest	§II(G)(2)	To be determined
TOTAL		\$236,068.92

FEI therefore respectfully requests that the Clerk of the Court issue an order taxing total costs in the amount of \$ 236,068.92 plus interest.

Dated this 19th day of February, 2010.

Respectfully submitted,



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