

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> .....	<u>\$3484.75</u>	<u>10,642.69</u>
3. Fees for printed or electronically recorded transcripts necessarily obtained for use in the case <u>§ II(B)(1) &amp; (B)(2)</u> .....		<u>101,521.81</u> <u>\$88,718.74</u>
4. Fees and disbursements for printing <u>§ II(C)</u> .....		<u>2,262.94</u> <u>\$14.34</u>
5. Fees for witnesses (itemize on page two) <u>§ II(D)(1), (2) &amp; (3)</u> .....		<u>41,203.64</u> <u>\$34,653.42</u>
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) &amp; (2)</u> .....		<u>32,125.35</u> <u>\$28,325.15</u>
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> .....		<u>1,160.00</u>
11. Other costs (please itemize) <u>§ II(G)</u> .....		<u>47,152.49</u> <u>\$0.00</u>
TOTAL		<u>236,068.92</u>

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

\$156,356.40

## 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 \$156,356.40 and included in the judgment.

**ANGELA D. CAESAR**

Clerk of Court

By:

Deputy Clerk

2/19/13  
Date

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

FELD ENTERTAINMENT, INC.

Defendant

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Civil Action No. 03cv2006

**REDUCTIONS TO BILL OF COSTS**

The following represents reductions to the Bill of Costs submitted on behalf of defendant Feld Entertainment, Inc.

**2. Fees for Service and Subpoena**

DEPONENT	COSTS DEFENDANTS SEEK TO RECOVER	APPROVED COSTS	EXPLANATION
Tom Rider	\$7,157.94	\$0.00	Deponent did not testify, thus according to LcvR 54.1(d)(10), fees are not allowable

**3. Fees for Printed or Electronically Recorded Transcripts**

**a. Deposition Transcripts**

DEFENDANT'S CLAIMED COSTS	APPROVED COSTS	EXPLANATION
\$49,907.61	\$43,759.64	28 USC 1920(2) permits for electronic copies of trans. for use in the case. No evidence video trans. were used at trial, as required by Local Civil Rule 54(d)(6).

**b. Hearing on Trial Transcripts**

DEFENDANT'S CLAIMED COSTS	APPROVED COSTS	EXPLANATION
\$51,614.20	\$44,959.10	LcvR 54.1(d)(7) only permits transcripts. produced at the standard rate, not real time, expedited or daily rates. Use <b>AGREED</b> figure

**4. Fees for Disbursements for Printing**

DEFENDANT'S CLAIMED COSTS	APPROVED COSTS	EXPLANATION
\$2,262.94	\$14.34	28 USC 1920(3) states (Fees and disbursements for printing and witnesses). There is no mention of reproducing videos.

**5. Fees for Witnesses****a. Costs Pursuant to 28 USC 1821(c)****(i) Travel Costs****Witness: James Andacht (1/3/08)**

DEFENDANT'S CLAIMED COSTS	APPROVED COSTS	EXPLANATION
\$1,740.00	\$1,740.00	

**Witness: Brian French (3/09)**

DEFENDANT'S CLAIMED COSTS	APPROVED COSTS	EXPLANATION
\$1,898.85	\$1,598.75	Receipts for airfare equal amount for approved costs.

**Witness: Gary Jacobson (11/20/07)**

DEFENDANT'S CLAIMED COSTS	APPROVED COSTS	EXPLANATION
\$522.80	\$341.40	Receipts for airfare equal amount for approved costs.

**Witness: Gary Jacobson (03/09/09)**

DEFENDANT'S CLAIMED COSTS	APPROVED COSTS	EXPLANATION
\$1,490.50	\$1,113.50	Receipts for airfare, tolls and cabs equal approved costs.

**Witness: Troy Metzler**

DEFENDANT'S CLAIMED COSTS	APPROVED COSTS	EXPLANATION
\$803.40	\$537.40	Defendant did not provide documentation for full amount of air fare; will allow \$537.40 as provided for in ticket receipts

**Witness: Geoffrey Pettigrew (11/14/08)**

DEFENDANT'S CLAIMED COSTS	APPROVED COSTS	EXPLANATION
\$1,025.90	\$998.90	The sole receipt for airfare totals \$998.90.

**Witness: Daniel Raffo (12/2/08)**

DEFENDANT'S CLAIMED COSTS	APPROVED COSTS	EXPLANATION
\$622.22	\$595.24	The airfare receipts total \$595.24

**Witness: Dennis Schmitt (8/08)**

DEFENDANT'S CLAIMED COSTS	APPROVED COSTS	EXPLANATION
\$1621.40	\$1375.40	Costs for rental car not permitted.

**(ii) Subsistence Costs**

WITNESS/DATES	COSTS DEFENDANTS SEEK TO RECOVER	APPROVED COSTS	EXPLANATION
Michael Keele (7/15/08 - 07/18/08)	\$872.00	\$542.01	Used GSA per diem for hotel and actual costs for food.
Michael Keele (3/08/09 - 3/13/09)	\$1,325.00	\$1,145.87	" "
Kari and Gary Johnson (8/17/08 - 08/20/08)	\$1,277.27	\$462.00	" "
Kari and Gary Johnson (3/2/09 - 3/5/09)	\$1,342.00	\$1,342.00	" "
Ted Friend (7/29/08 - 7/31/08)	\$654.00	\$462.00	" "
Ted Friend (3/7/09 - 3/9/09)	\$92.83	\$92.83	" "
James Andacht (1/28/08 - 1/31/08)	\$795.00	\$644.10	" "
Carrie Coleman (12/10/08 - 12/12/08)	\$795.00	\$418.00	" "
Carrie Coleman (3/4/09 - 3/6/09)	\$605.58	\$418.00	" "
Brian French (11/4/08 - 11/6/08)	\$819.00	\$418.00	" "
Brian French (3/11/09 - 3/12/09)	\$377.72	\$209.00	" "

Gary Jacobson (10/22/07 - 10/24/10)	\$777.00	\$420.46	" "
Gary Jacobson (11/20/07)	\$236.87	\$236.87	" "
Gary Jacobson (2/28/09 - 3/9/09)	\$2,291.67	\$1,446.24	" "
Troy Metzler (7/23/06 - 7/26/06)	\$856.00	\$536.69	" "
Troy Metzler (3/10/09 - 3/13/09)	\$1,092.00	\$711.53	" "
Geoffrey Pettigrew (11/12/08 - 11/14/08)	\$870.57	\$535.15	" "
Daniel Raffo (12/1/08 - 12/2/08)	\$342.36	\$209.00	" "
Daniel Raffo (3/3/09 - 3/4/09)	\$341.78	\$209.00	" "
Dennis Schmitt (8/27/08 - 8/30/08)	\$654.00	\$548.16	" "
Robert and Margaret Tom (12/16/07 - 12/18/07)	\$249.62	\$249.62	" "

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

DESCRIPTION	COSTS DEFENDANTS SEEK TO RECOVER	APPROVED COSTS	
Paper exhibits filed with court pursuant to 10/15/08 Pre-Trial Order	\$23,812.00	\$20,364.00	Cost of Redwells and Folders are not taxable under LcvR 54.1(d)(8)
Electronic Copies of Webcam Exhibit Used for Impeachment at Trial	\$5,525.00	\$5,525.00	Used for impeachment at trial, so it is taxable unde LcvR 54.1(8)
FEI's Motion for Summary Judgment	\$291.30	\$291.30	Pre-Trial Order directs copies to be made and provided to pla
FEI's Motion to Compel Documents Subpoenaed from Wildlife Advocacy Project	\$50.25	\$50.25	Pre-Trial Order directs copies be made and provided to pla
FEI's Motion to Compel Discovery from Organizational Plaintiffs	\$138.60	\$138.60	Pre-Trial Order directs copies be made and provided to pla
FEI's Response in Opposition to Pla Rule 11 Motion	\$735.75	\$735.75	Pre-Trial Order directs copies be made and provided to pla
FEI's Evidentiary Hearing Exhibits pursuant to 2/12/08 Minute Order	\$1,220.25	\$1,220.25	Minute Order of 2/12/08 directs the exchange of witness and exhibit lists
<b>TOTAL</b>		<b>\$28,325.15</b>	

**6. Other Costs of Copying**

Total Copying Costs Claimed	\$300.00	Pla did not object to this amount	<b>\$300.00</b>	Allowable under LcvR 54.1(d)(9)
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**7. Interpreter Costs**

Total Interpreter Costs Claimed	\$1,160.00	Pla did not object to this amount	<b>\$1,160.00</b>	Allowable under LcvR 54.1(d)(12)
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**8. Other Costs**

DESCRIPTION	COSTS DEFENDANT SEEK TO RECOVER	APPROVED COSTS	EXPLANATION
Electronic Linking to Record of Post Trial Brief and Proposed Findings of Fact and Conclusions of Law and Responses Thereto	\$45,392.49	\$0.00	Costs are not allowable under LcvR 54.1(d)
Videotaping of Court-Ordered Inspection (Auburn Hills, MI)	\$1,260.00	\$0.00	Costs are not allowable under LcvR 54.1(d)
Videotaping of Court-Ordered Inspection at CEC (Florida)	\$500.00	\$0.00	Costs are not allowable under LcvR 54.1(d)