

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

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

Jo Ann Howard and Associates, P.C., et al.

v.

J. Douglas Cassity, et al.

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)
)
)
)

Case No.: 09-CV-1252 ERW

FIRST AMENDED BILL OF COSTS

Judgment having been entered in the above entitled action on March 9, 2015 against PNC Bank, N.A. and National City Bank, N.A.
Date

the Clerk is requested to tax the following as costs:

| | |
|---|---------------------|
| Fees of the Clerk (see Exhibit 1 attached to original Bill of Costs) | \$ 350.00 |
| Fees for service of summons and subpoena | |
| Fees for printed or electronically recorded transcripts necessarily obtained for use in the case (see Exhibits 2-A and 2-B attached to original Bill of Costs) | 110,989.63 |
| Fees and disbursements for printing | |
| Fees for witnesses (see Exhibits 3-A and 3-B attached to original Bill of Costs) | 35,421.34 |
| Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case (see Exhibits 4-A, 4-B, 4-C, 4-E and 4-F attached to original Bill of Costs; see First Amended Exhibit 4-D attached) | 399,949.62 |
| Docket fees under 28 U.S.C. 1923 | |
| Costs as shown on Mandate of Court of Appeals | |
| Compensation of court-appointed experts | |
| Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 | |
| Other costs (please itemize) | |
| TOTAL | \$546,710.59 |

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: Wendy B. Fisher

Name of Attorney: Wendy B. Fisher

For: Plaintiffs

Date: April 10, 2015

Name of Claiming Party

Taxation of Costs

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

By: _____
Clerk of Court Deputy Clerk Date

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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 | |
| | | | | | | | \$ |
| | | | | | TOTAL | | \$ |

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.

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FIRST AMENDED EXHIBIT 4

Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case:

- D. Preparation of trial exhibits (the cost of two sets of copies included, for Court and for Plaintiffs' counsel) - ~~\$23,078.79~~27,771.01

| Date | Description | Amount | Tax |
|-----------------|--|---------------------------------------|--|
| 1/21/2015 | Marathon Document Solutions, Inc. (total of \$25,812 for copying and scanning trial exhibits, reduced by one-third) | 17,208.80 | 1,316.47 |
| 2/19/2015 | Midwest Trial Services (total of \$3,911.40 for copying and scanning trial exhibits, reduced by one-third) | 2,889.20 | - |
| 3/6/2015 | Midwest Trial Services (copying charges for "Trial Support 2-17-15 of \$745.80 reduced by one-third to \$497.22; and "Trial Support 3-3-15 - All Submitted Documents" [admitted Plaintiff exhibits] of \$3,501.30, reduced by two thirds to \$1,167.10) | 1,664.32 | - |
| <u>2/5/2015</u> | <u>Midwest Trial Services (copying charges for trial exhibits: 1-24-15 charges for Plaintiff exhibits totaling \$420.45 reduced by one-third; 1-26-15 charge for printing defense exhibits of \$2,566.20 reduced by one-half; 1-27-15 (B) charges for copying Plaintiff exhibits totaling \$186.60 reduced by one-third; 1-31-15 charge for copying Plaintiff exhibits totaling \$65.55 reduced by one-third; 2-1-15 (A) charge for copying Plaintiff exhibits totaling \$4,052.70 reduced by one-third; 2-2-15 charge for copying Plaintiff exhibits totaling \$356.70 reduced by one-third; 2-3-15 (B) charge of \$39.20 for copying Plaintiff exhibits reduced by one-half)</u> | <u>4,692.22</u> | <u>-</u> |
| | TOTAL | \$21,762.32 \$26,454.54 | \$1,316.47 |
| | | TOTAL | <u>\$23,078.79</u> <u>27,771.01</u> |

FIRST AMENDED EXHIBIT 4.D

Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case:

- D. Preparation of trial exhibits (the cost of two sets of copies included, for Court and for Plaintiffs' counsel) - \$27,771.01

| Date | Description | Amount | Tax |
|-----------|---|--------------|--------------------|
| 1/21/2015 | Marathon Document Solutions, Inc. (total of \$25,812 for copying and scanning trial exhibits, reduced by one-third) | 17,208.80 | 1,316.47 |
| 2/19/2015 | Midwest Trial Services (total of \$3,911.40 for copying and scanning trial exhibits, reduced by one-third) | 2,889.20 | - |
| 3/6/2015 | Midwest Trial Services (copying charges for "Trial Support 2-17-15 of \$745.80 reduced by one-third to \$497.22; and "Trial Support 3-3-15 - All Submitted Documents" [admitted Plaintiff exhibits] of \$3,501.30, reduced by two thirds to \$1,167.10) | 1,664.32 | - |
| 2/5/2015 | Midwest Trial Services (copying charges for trial exhibits: 1-24-15 charges for Plaintiff exhibits totaling \$420.45 reduced by one-third; 1-26-15 charge for printing defense exhibits of \$2,566.20 reduced by one-half; 1-27-15 (B) charges for copying Plaintiff exhibits totaling \$186.60 reduced by one-third; 1-31-15 charge for copying Plaintiff exhibits totaling \$65.55 reduced by one-third; 2-1-15 (A) charge for copying Plaintiff exhibits totaling \$4,052.70 reduced by one-third; 2-2-15 charge for copying Plaintiff exhibits totaling \$356.70 reduced by one-third; 2-3-15 (B) charge of \$39.20 for copying Plaintiff exhibits reduced by one-half) | 4,692.22 | - |
| | TOTAL | \$26,454.54 | \$ 1,316.47 |
| | | TOTAL | \$27,771.01 |



Invoice

| | |
|------------|------------|
| Date | Invoice # |
| 02/05/2015 | 105994 |
| Terms | Due Date |
| Net 30 | 03/07/2015 |

| |
|---|
| Bill To |
| Reilly Pozner LLP Attn: Mitzi Burkitt 1900 Sixteenth Street Suite 1700 Denver, CO 80202 |

| Activity | Quantity | Rate | Amount | Case Name | Consultant |
|--|----------|--------|----------|------------------------|------------|
| | | | | Howard v Cassity Trial | House |
| • Trial Support 1-24-15 through 2-3-15 | | | 0.00 | | |
| • 1-24-15 Plaintiff Exhibits | | | | | |
| • Document Copy - BW - 3 sets of 1373 | 4119 | 0.10 | 411.90 | | |
| • Document Copy - Color - 3 sets of 3 | 9 | 0.95 | 8.55 | | |
| • Specialty Tabs - 3 sets of 93 | 279 | 0.40 | 111.60 | | |
| • Trial Binder - 3 sets of 2 3" binders | 6 | 25.00 | 150.00 | | |
| • 1-26-15 Defense Exhibits | | | | | |
| • Document Copy - BW - 2 sets of 12831 | 25662 | 0.10 | 2,566.20 | | |
| • Specialty Tabs - 2 sets of 600 | 1200 | 0.40 | 480.00 | | |
| • Trial Binder - 2 sets of 12 3" binders | 24 | 25.00 | 600.00 | | |
| • 1-27-15 (A) Witness Binders | | | | | |
| • Document Copy - Color - 2 sets of 648 | 1296 | 0.95 | 1,231.20 | | |
| • Specialty Tabs - 2 sets of 14 | 28 | 0.40 | 11.20 | | |
| • Trial Binder - 2 sets of 1 - 3" binders | 2 | 25.00 | 50.00 | | |
| • 1-27-15 (B) | | | | | |
| • Document Copy - BW - 3 sets of 508 | 1524 | 0.10 | 152.40 | | |
| • Document Copy - Color - 3 sets of 12 | 36 | 0.95 | 34.20 | | |
| • Specialty Tabs - 3 sets of 74 | 222 | 0.40 | 88.80 | | |
| • Trial Binder - 3 sets of 2 3" binders | 6 | 25.00 | 150.00 | | |
| • 1-30-15 | | | | | |
| • Electronic Endorsement Of Scans (Bates) | 1533 | 0.02 | 30.66 | | |
| • Technician Time Includes Import, Rename, Export, Custom Stickers and Uploads | 6 | 100.00 | 600.00 | | |
| • 1-31-15 | | | | | |
| • Document Copy - Color - 3 sets of 23 | 69 | 0.95 | 65.55 | | |

Continue to the next page

| Activity | Quantity | Rate | Amount |
|--|----------|-------|--------------------|
| • 2-1-15 (A) Color Label applied by Other Vendor | | | |
| • Document Copy - Color - 3 sets of 1422 | 4266 | 0.95 | 4,052.70 |
| • Specialty Tabs - 3 sets of 891 | 2673 | 0.40 | 1,069.20 |
| • 2-1-15 (B) | | | |
| • Specialty Tabs - 3 sets of 28 | 84 | 0.40 | 33.60 |
| • 2-2-15 Large Documents | | | |
| • Document Copy - BW - 3 SETS OF 1189 | 3567 | 0.10 | 356.70 |
| • 2-3-15 (A) Herbert Morisse Binder | | | |
| • Document Copy - Color - 1 set of 378 | 378 | 0.95 | 359.10 |
| • Specialty Tabs - 1 set of 1 | 1 | 0.40 | 0.40 |
| • Trial Binder - 1 set of 1 3" binder | 1 | 25.00 | 25.00 |
| • 2-3-15 (B) | | | |
| • Document Copy - BW - 2 sets of 196 | 392 | 0.10 | 39.20 |
| • Specialty Tabs - 2 sets of 8 | 16 | 0.40 | 6.40 |
| • Equipment Rental - Pull Table Rental - No Charge | 1 | | 0.00 |
| Total | | | \$12,684.56 |

We appreciate the opportunity to work with you. Please contact us if we can be assistance in the future. Thank you.