

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA

vs.

\*  
\*  
\*  
\*  
\*

Civil Action File No.

Judgement having been entered in the above-entitled action on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, against \_\_\_\_\_ the clerk is requested to tax the following as costs:

**BILL OF COSTS**

(All costs claimed should be itemized)

(Fees of the clerk	\$ _____
(	
(Fees of the marshal	\$ _____
(	
(Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	\$ _____
(	
(Fees and disbursements for printing	\$ _____
(	
(Fees for witnesses (itemized on attached page)	\$ _____
(	
(Fees for exemplification and copies of papers necessarily obtained for use in case	\$ _____
(	
(Docket fees under 28 U.S.C. 1923 {\$20.00 on trial or (final hearing including a default judgment; \$5.00 (on motion for judgment; \$2.50 for each deposition (admitted in evidence. Admission into evidence of (excerpts from deposition is sufficient to meet (statutory requirement that deposition be admitted (into evidence}).	\$ _____
(	
(Costs incident to taking of depositions { if depo- (sition was reasonably necessary and not taken (merely for discovery. See e.g., <u>Koppinger vs. Cullen- (Schiltz and Associates</u> , 513 F.2d 901 (8 <sup>th</sup> Cir. 1975).	\$ _____
(	
(Costs as shown on Mandate of Court of Appeals	\$ _____
(	
(Other costs - please itemize. {Where case has (been removed from state court, the state court (costs may be recovered}).	\$ _____

**Total:** \$ \_\_\_\_\_

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )      SS:

I, \_\_\_\_\_, do hereby swear 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 hereof was this day mailed to: \_\_\_\_\_ with postage prepaid thereon.

Please take notice that unless a resistance is filed within **fourteen (14)** days from this date, costs will be taxed by the clerk under Local Rule 54.1, for the amount claimed.

\_\_\_\_\_  
Attorney for \_\_\_\_\_

***SUBSCRIBED and SWORN*** to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
A.D. 20 \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
*Notary Public*

28 U.S.C. 1821 provides for \$40.00 for each day's attendance and for the time necessarily occupied in going to and returning from the place of attendance, and \* \_\_\_\_\_ per mile for going from and returning to his/her place of residence. Witnesses who cannot return home from day to day shall be entitled to an additional allowance of \* \_\_\_\_\_ for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance.

Milage is computed from point where witness entered the judicial district or 100 miles, whichever is greater.

Only ordinary witness fees are taxable for expert witnesses, Crawford Fitting Co. vs. J.T. Gibbons, Inc., 482 US 437 (1987).

Name and Residence	Attendance		Subsistance		Mileage		Total Each Witness
	Days	Cost	Days	Cost	Miles	Cost	

\* Phone Clerk for current rates.

Total: \_\_\_\_\_

## NOTICE

28 U.S.C. 1924

- Before any bill of costs is taxed, the party claiming any item of costs 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 taxed in the case and, upon allowance, included in the judgment of decree.”

*The Federal Rules of Civil Procedure* contain the following provisions:

Rule 54 (d)

“Except when express provision therefore is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs; but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day’s notice. On motion served within 5 days there-after the action of the clerk may be reviewed by the court.”