

INSTRUCTIONS FOR COMPLETING THE BILL OF COSTS FORM

A. Taxation of costs is controlled by the provisions of FRAP 39(a) unless the Court specifically directs otherwise in its decision or by subsequent order.

B. THE BILL OF COSTS FORM MUST BE FILED IN THE OFFICE OF THE CLERK WITHIN FOURTEEN (14) DAYS AFTER JUDGMENT, even if a petition for rehearing or other post-judgment motion is filed. A late bill of costs must be accompanied by a motion for leave to file out of time.

C. Only two (2) general categories of costs are taxable in the Court of Appeals.

1. The docketing fee is recoverable if the case is reversed. For appeals filed before November 1, 2003, the docketing fee is \$100. For appeals filed on or after November 1, 2003, the docketing fee is \$250.

2. The costs of printing or reproducing briefs and appendices, including exhibits, can be claimed. To determine the taxable amount, the number of pages is counted in a single brief/appendix, including the front cover, any table pages, and any addenda which may be attached to the brief, but excluding the certificate of service page. Pursuant to local rule, briefs and appendices shall be taxable as costs at a rate equal to the actual cost, but not higher than \$4 per page of photographic reproduction of typed material. The printer's itemized statement of charges should accompany this cost form.

D. If costs are sought by or against the United States or agency or officer, cite statutory authority. [FRAP 39(b) and Local Rule 39(b)]

E. Although some costs are "taxable" in the Court of Appeals, all costs are recoverable in the district court after issuance of the mandate. In addition, various costs incidental to an appeal must be settled at the district court level. Among such items are: (1) the cost of the reporter's transcript; (2) fee for filing the notice of appeal; (3) fee for preparing and transmitting the record; and (4) the premiums paid for any required appeal bond.

F. Payment of costs awards should be made directly to the prevailing party or counsel, not to the Office of the Clerk.

RE:

BILL OF COSTS

The Clerk is requested to tax the following costs against _____.

COURT COSTS TAXABLE UNDER RULE 39, FRAP	AMOUNT CLAIMED	AMOUNT TAXED (Court Use ONLY)
Docketing Fee		
Printing Appendix _____ Pages		
Printing Appellant's Brief _____ Pages		
Printing Appellee's Brief _____ Pages		
Printing Appellant's Reply Brief _____ Pages		
Total Amount		

If costs are sought for or against U.S., agency or officer, cite statutory authority. _____

I declare under penalty of perjury that the foregoing costs are true and correct and were necessarily incurred in this action. Service is made upon opposing counsel and a copy of the certificate of service is attached.

DATE: _____

SIGNATURE: _____

FOR (Name of Claiming Party): _____

Certificate of Service

I certify that on _____ [date] I mailed a copy of the bill of costs form to counsel addressed as follows:

Signature