

AO 133 (Rev. 9/89) Bill of Costs

UNITED STATES DISTRICT COURT

MIDDLE

District of

ALABAMA

CHARLES MCKINLEY,

BILL OF COSTS

V.

Case Number: 2:05-cv-00562-F

PETSMART, INC.

Judgment having been entered in the above entitled action on June 29, 2006 against Charles McKinley, the Clerk is requested to tax the following as costs:

Table with 2 columns: Description of costs and Amount. Includes items like Fees of the Clerk, Fees for service of summons, Fees of the court reporter, etc. Total amount is \$1,760.95.

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 was mailed today with postage prepaid to: Debra Harding, Esq., 2800 Zelda Rd, Ste 100-9, Montgomery, AL 36106

Signature of Attorney: [Handwritten Signature]

Name of Attorney: Donald W. Benson

For: PetSmart, Inc. Date: July 28, 2006

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

DEBRA P. HACKETT Clerk of Court

By: _____ Deputy Clerk

_____ Date

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)

NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
Deborah Q. Harding Harding & Claunch LLP 2800 Zelda Road Suite 100-9 Montgomery, AL 36106 (Document Request)							40.00
							0.00
							0.00
							0.00
							0.00
							0.00
					TOTAL		\$ 40.00

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)

"Except when express provision therefor 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 thereafter, the action of the clerk may be reviewed by the court."

Rule 6(e)

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."