

Form 10. Bill of Costs(Rev. 12-1-09)

United States Court of Appeals for the Ninth Circuit

BILL OF COSTS

Note: If you wish to file a bill of costs, it **MUST** be submitted on this form and filed, with the clerk, with proof of service, within 14 days of the date of entry of judgment, and in accordance with 9th Circuit Rule 39-1. A late bill of costs must be accompanied by a motion showing good cause. Please refer to FRAP 39, 28 U.S.C. § 1920, and 9th Circuit Rule 39-1 when preparing your bill of costs.

POWELL'S BOOKS, INC., et. al. v. JOHN KROGER, et al. 9th Cir. No. 09-35153

The Clerk is requested to tax the following costs against: Defendants-Appellees

Cost Taxable under FRAP 39, 28 U.S.C. § 1920, 9th Cir. R. 39-1	REQUESTED Each Column Must Be Completed				ALLOWED To Be Completed by the Clerk			
	No. of Docs.	Pages per Doc.	Cost per Page*	TOTAL COST	No. of Docs.	Pages per Doc.	Cost per Page*	TOTAL COST
Excerpt of Record			\$	\$			\$	\$
Opening Brief	11	65	\$ 0.1	\$ 71.5			\$	\$
Answering Brief			\$	\$			\$	\$
Reply Brief	11	16	\$ 0.1	\$ 17.6			\$	\$
Other**	1	10	\$ 0.1	\$ 1			\$	\$
TOTAL:				\$ 90.1	TOTAL: \$			

* Costs per page may not exceed .10 or actual cost, whichever is less. 9th Circuit Rule 39-1.

** Other: Any other requests must be accompanied by a statement explaining why the item(s) should be taxed pursuant to 9th Circuit Rule 39-1. Additional items without such supporting statements will not be considered.

Attorneys' fees **cannot** be requested on this form.

Continue to next page.

Form 10. Bill of Costs - *Continued*

I, , swear under penalty of perjury that the services for which costs are taxed were actually and necessarily performed, and that the requested costs were actually expended as listed.

Signature

("s/" plus attorney's name if submitted electronically)

Date

Name of Counsel:

Attorney for:

(To Be Completed by the Clerk)

Date

Costs are taxed in the amount of \$

Clerk of Court

By: , Deputy Clerk

No. 09-35153

In the United States Court of Appeals for the Ninth Circuit

POWELL'S BOOKS, INC., et al.,
Plaintiffs-Appellants,

v.

JOHN KROGER, et al.,
Defendants-Appellees.

On Appeal from the United States District Court for the District of Oregon
(Hon. Michael W. Mosman)
Case No. CV-08-501-MO

STATEMENT IN SUPPORT OF BILL OF COSTS

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Pursuant to FRAP 39, 28 U.S.C. § 1920 and 9th Cir. R. 39-1, Plaintiff-Appellants Powell's Books, Inc., et al. respectfully request that the costs of their Response to Appellees' Motion for Certification to the Oregon State Supreme Court (Docket No. 55) be taxed against Defendant-Appellees. This was a post-argument motion by Appellees that required a response from Appellants. The costs associated with this brief are listed in the row marked "Other" in the Bill of Costs.

Dated: September 24, 2010

/s/ Michael A. Bamberger
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**CERTIFICATE OF SERVICE
UNITED STATES COURT OF APPEALS
DOCKET NUMBER: NO. 09-35153**

I hereby certify that I electronically filed the foregoing Bill of Costs and accompanying Statement in Support of Bill of Costs with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on September 24, 2010. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: September 24, 2010

/s/ Michael A. Bamberger
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