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**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

LOG CABIN REPUBLICANS, a non-profit corporation,

Plaintiff,

v.

UNITED STATES OF AMERICA and
 ROBERT M. GATES, SECRETARY
 OF DEFENSE, in his official capacity,

Defendants.

Case No. CV 04-8425-VAP (Ex)

**STIPULATION REGARDING
 TAXATION OF COSTS**

Judge: Hon. Virginia A. Phillips

Complaint filed: October 12, 2004

Judgment Entered: October 12, 2010

1 The parties hereto, by and through their attorneys of record, hereby agree and
2 stipulate as follows:

3 1. Defendants will withdraw their Motion to Retax Costs, filed March 1,
4 2011 (Doc. 293);

5 2. The costs claimed herein by plaintiff shall be taxed in the final amount
6 of \$20,838.36, and the Bill of Costs entered February 3, 2011 (Doc. 292) shall be
7 modified accordingly;

8 3. Plaintiff agrees that it will not enforce, or take steps to collect on, the
9 Bill of Costs, until after the Ninth Circuit has issued its mandate in the pending
10 appeals herein (Case Nos. 10-56634 and 10-56813);

11 4. In the event that the district court's judgment is vacated or reversed,
12 plaintiff will not be entitled to recover the costs specified in paragraph 2.

13 Defendants reserve the right in such event to file an application seeking costs from
14 plaintiff, and plaintiff reserves all objections to such an application; and

15 5. In the event that defendants voluntarily dismiss or withdraw their
16 appeal (Ninth Circuit Case No. 10-56634), plaintiff shall be entitled to enforce and
17 collect on the Bill of Costs, unless the stipulation or order of dismissal provides
18 otherwise.

19 Dated: March __, 2011

WHITE & CASE LLP

21 By: /s/ Earle Miller
22 Earle Miller
23 Attorneys for Plaintiff Log Cabin
Republicans

24 Dated: March __, 2011

U.S. DEPARTMENT OF JUSTICE

26 By: /s/ Paul G. Freeborne
27 Paul G. Freeborne
28 Attorneys for Defendants United States
of America and Secretary of Defense