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

16 LOG CABIN REPUBLICANS, a non-
 17 profit corporation,

18 Plaintiff,

19 v.

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

23 Defendants.

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

**ORDER REGARDING TAXATION
 OF COSTS**

Judge: Hon. Virginia A. Phillips

Complaint filed: October 12, 2004

Judgment Entered: October 12, 2010

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Pursuant to stipulation of the parties, IT IS ORDERED:

1. Defendants' Motion to Retax Costs, filed March 1, 2011 (Doc. 293), is deemed withdrawn;
2. Plaintiff's costs are taxed in the amount of \$20,838.36, and the Bill of Costs entered February 3, 2011 (Doc. 292) shall be modified accordingly;
3. Plaintiff may not enforce, or take steps to collect on, the Bill of Costs, until after the Ninth Circuit has issued its mandate in the pending appeals herein (Case Nos. 10-56634 and 10-56813);
4. In the event that the district court's judgment is vacated or reversed, plaintiff will not be entitled to recover the costs specified in paragraph 2. Defendants may in such event file an application seeking costs from plaintiff, and plaintiff shall retain the right to assert all objections to such an application; and
5. In the event that defendants voluntarily dismiss or withdraw their appeal (Ninth Circuit Case No. 10-56634), plaintiff shall be entitled to enforce and collect on the Bill of Costs, unless the stipulation or order of dismissal provides otherwise.

IT IS SO ORDERED.

Dated: _____
United States District Judge