

1 Kevin Vanginderen, Plaintiff Pro Per  
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3 Chula Vista, CA 91910  
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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY:

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6 **UNITED STATES DISTRICT COURT**  
7 **SOUTHERN DISTRICT OF CALIFORNIA**

8 KEVIN VANGINDEREN,	)	Case No. 08-CV-0736-BTM-JMA
	)	
9 Plaintiff -	)	Hon. Barry T. Moskowitz
10 Appellant,	)	
	)	PLAINTIFF'S OPPOSITION TO
11 v.	)	DEFENDANT'S BILL OF COSTS
	)	
12 CORNELL UNIVERSITY,	)	
13 BERT DEIXLER,	)	
	)	
14 Defendants-	)	Hearing Date: February 3, 2009
15 Appellees.	)	Time: 10:00 a.m.
	)	Place: Room 4290

16 Plaintiff hereby objects to the Bill of Costs filed by Defendant Cornell University on  
17 January 15, 2009. A Notice of Appeal was filed in the above captioned matter on January 9,  
18 2009, with jurisdiction transferred to the Ninth Circuit Court of Appeals. The Defendants' listed  
19 expenses within the Bill of Costs were entirely discretionary and/or wasteful. The decision to  
20 remove this matter to the Federal Court from the San Diego Superior Court was solely a strategic  
21 decision on the part of the Defendants and unnecessary to litigate the underlying matter. All  
22 expenses incurred as a result should not be borne by the Plaintiff. All messenger service  
23 expenses incurred by the Defendants were inflated and unnecessary. The Plaintiff respectfully  
24 requests the Application to the Clerk to Tax costs be denied.

25 Dated: January 26, 2009.

26  
27   
28 Kevin Vanginderen, Plaintiff in pro per

OK

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF San Diego

I have read the foregoing \_\_\_\_\_ and know its contents.

CHECK APPLICABLE PARAGRAPHS

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am an Officer a partner a of

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. The matters stated in the foregoing document are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am one of the attorneys for a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on \_\_\_\_\_, at \_\_\_\_\_, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Type or Print Name

Signature

PROOF OF SERVICE

1013a (3) CCP Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF San Diego

I am employed in the county of San Diego, State of California.

I am over the age of 18 and not a party to the within action; my business address is: 637 Third Avenue, Suite E-1, Chula Vista, CA 91910

On, January 26, 2009 I served the foregoing document described as A copy of the Plaintiff's Opposition to Defendants' Bill of Costs

on Defendant Attorneys in this action

by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:

by placing the original a true copy thereof enclosed in sealed envelopes addressed as follows: Clifford Davidson, Esq., Proskauer Rose LLP, 2049 Century Park East, Suite 3200, Los Angeles, CA 90067-3206 Nelson Roth, Esq., Office of University Counsel, 300 CCC Building, Garden Ave., Ithaca, New York 14853

BY MAIL

I deposited such envelope in the mail at 637 Third Avenue, Chula Vista, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on \_\_\_\_\_, at \_\_\_\_\_, California.

(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on \_\_\_\_\_, at \_\_\_\_\_, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Teresa Vanginderen Type or Print Name

Teresa Vanginderen Signature

(BY MAIL SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN MAIL SLOT, BOX, OR BAG)

(FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER)