

# **EXHIBIT 5**

UNITED STATES DISTRICT COURT

Eatern District of Texas

AdvanceMe

BILL OF COSTS

V.

Rapidpay, et al.

Case Number: 6:05-CV-424-LED

Judgment having been entered in the above entitled action on 8/14/2007 against AdvanceMe, the Clerk is requested to tax the following as costs: Case: 6:05-cv-00424-LED Document 345 Filed 08/28/2007 Page 2 of 3

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 \$34,042.37.

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 has been served on all parties in the following manner:

- Electronic service by e-mail as set forth below and/or.
Conventional service by first class mail, postage prepaid as set forth below.

s/ Attorney:

Name of Attorney:

Graham E. Sutliff Tex Bar. No. 24046935

For: Merchant Money Tree, Inc. and Reach Financial LLC

Date: 8/28/2007

Costs are taxed in the amount of \$34,042.37 and included in the judgment.

Clerk of Court By: Deputy Clerk Date

# UNITED STATES DISTRICT COURT

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

| NAME, CITY AND STATE OF RESIDENCE       | ATTENDANCE |               | SUBSISTENCE |               | MILEAGE      |               | Total Cost<br>Each Witness |
|---|------------|---------------|-------------|---------------|--------------|---------------|----------------------------|
|   | Days       | Total<br>Cost | Days        | Total<br>Cost | Miles        | Total<br>Cost |                            |
| Laurent Bouchard<br>Danvers, MA         |            |               | 1           | 60.00         |              | 560.79        | \$620.79                   |
| Donald Headlund<br>Calabasas, CA        |            |               | 5           | 300.00        |              | 1,407.<br>+   | \$1,707.80                 |
| Edward Landon<br>Chicago, IL (Business) |            |               | 1           | 60.00         |              | 582.80        | \$642.80                   |
| Tim Litle<br>Lowell, MA (Business)      | 1          | 40.00         | 1           | 60.00         |              | 877.40        | \$977.40                   |
| Lee Suckow<br>Chicago, IL (Business)    | 1          | 40.00         | 1           | 60.00         |              | 582.80        | \$682.80                   |
|   |            |               |             |               |              |               | \$0.00                     |
|   |            |               |             |               | <b>TOTAL</b> |               | <b>\$4,631.59</b>          |

### 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.”