

FILED U.S. DISTRICT COURT EASTERN DISTRICT OF LA 2004 SEP -9 PM 4:23 LORRY TA G. WHYTE CLERK

UNITED STATES DISTRICT COURT

Eastern

District of

Louisiana

Plaintiff Loretto O' Reilly

BILL OF COSTS

V.

Defendant U.S. Army Corps of Engineers

Case Number: 04-0940 "A"

Judgment having been entered in the above entitled action on 8/10/2004 against U.S. Army Corps of Engineers, the Clerk is requested to tax the following as costs:

Table with 2 columns: Description of costs and Amount. Includes Fees of the Clerk (\$150.00), Fees for service of summons and subpoena (95.65), Fees for witnesses (115.00), and a TOTAL of \$360.65.

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 was mailed today with postage prepaid to: Devon Lehman, Walter Woodruff

Fee Processed with CtRmDep. Doc. No. 29

Signature of Attorney: [Handwritten Signature]

Name of Attorney: Karla Raettig

For: Loretto O'Reilly, Hazel Sinclair, Kelly Fitzmaurice Date: 9/9/2004

Please take notice that I will appear before the clerk who will tax said costs on the following day and time Date and Time: 9/28/2004 at 9 a.m.

Costs are taxed in the amount of \$150.00 and included in the judgment. Clerk of Court: [Handwritten Signature] Deputy Clerk: [Blank] Date: 9/28/04

DATE OF ENTRY SEP 28 2004

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

NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
Dr. Ivor Van Heerden, Satusuma, LA	1	40	1		200	75	115
<b>TOTAL</b>							<b>115</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.”

**PLAINTIFFS' ITEMIZATION OF COSTS**

April 2, 2004	\$150 for Civil Filing Fee	Exhibit A, Civil Docket, Docket Entry for Payment of Filing Fee
June 8, 2004	\$95.65 for Personal Service of Subpoena on August J. Hand for Inspection of Premises pursuant to Federal Rule of Civil Procedure 45	Exhibit B, Receipt from Attorney's Legal Leggs, Inc.

Docket as of August 11, 2004 8:41 pm

Web PACER (v2.4-EDLA)

**U.S. District Court  
USDC for the Eastern District of Louisiana (New Orleans)**

**CIVIL DOCKET FOR CASE #: 04-CV-940**

**O'Reilly, et al v. USACE**

Filed: 04/02/04  
Assigned to: Judge Jay C Zainey  
Jury demand: None  
Demand: \$0,000  
Nature of Suit: 893  
Lead Docket: None  
Jurisdiction: US Defendant  
Dkt# in other court: None  
Cause: 28:2201 Declaratory Judgement

LORETTO O'REILLY, JR  
plaintiff

Karla Ann Raettig  
504-862-8721 FAX  
[COR LD NTC]  
Josh Borsellino  
[COR]  
Tulane Environmental Law Clinic  
6329 Freret St.  
New Orleans, LA 70118  
(504) 865-5789

KELLY FITZMAURICE  
plaintiff

Karla Ann Raettig  
(See above)  
[COR LD NTC]  
Josh Borsellino  
(See above)  
[COR]

HAZEL SINCLAIR  
plaintiff

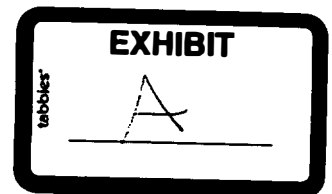
Karla Ann Raettig  
(See above)  
[COR LD NTC]  
Josh Borsellino  
(See above)  
[COR]

v.

UNITED STATES ARMY CORPS OF  
ENGINEERS  
defendant

Robert David Northey  
504-862-2827 FAX  
[COR NTC]  
U. S. Army Corps of Engineers  
Office of Counsel  
P. O. Box 60267  
New Orleans, LA 70160-0267  
504-862-2831

Sharon Denise Smith  
504-589-4014 FAX



[COR NTC]  
U. S. Attorney's Office  
Hale Boggs Federal Bldg.  
500 Poydras St.  
Room 210  
New Orleans, LA 70130  
504-680-3000

Devon M. Lehman  
202-305-0267 FAX  
[COR LD NTC]  
U. S. Department of Justice  
Environment & Natural Resources  
Division  
P. O. Box 663  
Washington, DC 20044-0663  
202-305-0427



Lois Godfrey-Wye  
[COR NTC]  
U.S. Department of Justice -  
Environmental Defense Section  
Environment & Natural Resources  
Division  
P. O. Box 23986  
L'Enfant Plaza Station  
Washington, DC 20026-3986  
202-514-9277

=====

ERIC A BOPP  
intervenor

Walter R. Woodruff  
[COR LD NTC]  
Edward S. Bopp, A Law  
Corporation  
6725 St. Claude Ave.  
Suite 102  
Arabi, LA 70032  
(504) 271-6242

## DOCKET PROCEEDINGS

DATE	#	IMG	DOCKET ENTRY
4/2/04	1		COMPLAINT; 3 summons(es) issued (gw) [Entry date 04/02/04]
4/2/04	--		Payment of filing fee by plaintiffs in amount of \$ 150.00 (gw) [Entry date 04/02/04]
4/26/04	2		RETURN OF SERVICE of summons and complaint upon defendant USACE, US Atty & US Atty Gen on 4/20/04 (gw) [Entry date 04/26/04]
5/4/04	3		MOTION by plas Loretto O'Reilly Jr, Kelly Fitzmaurice,

# 110-002

**ATTORNEY'S LEGAL LEGGS, INC.**  
 4705 IBERVILLE ST.  
 NEW ORLEANS, LA 70119  
 (504) 484-6622

**No. P. 2000**

**FIRM NAME** Tulare Env. Law Clinic  
 6329 Freret #120  
 70117  
**TELEPHONE NO.** (504) 2-8819

**DATE:** 6-8-04  
**COURT:** USDC  
**PLTF:** O'Reilly  
**DEFT:** US Corps of Eng.  
**CASE #** 04-cv-946 **DN/SECT.**  
**DATE OF HEARING/DEPO.** 6-18

**SECRETARY/ATTY:** Angela  
**YOUR FILE NO.:**  
**SERVE:**

August J. Hand, Esq.

**HOME ADDRESS:**  
**HOME PHONE:**  
**DOCUMENT TO BE SERVED:** Sulip

**BUSINESS ADDRESS:**  
 1016 1/2 W. 21st Avenue  
 Covington  
**BUSINESS PHONE:** 985-892-7211  
**LAST DAY TO SERVE:**

REPORT DATE	TIME	RESULTS	Home (H) or Business (B)
6-11	11:40	served thru Charlotte Cleland, Sectra	

Description:  SEX  AGE  WEIGHT  HEIGHT  HAIR  RACE  EYES

WITNESS FEES \$ X LIST ANY DISTINGUISHING FEATURES

ATTY'S CHECK # \_\_\_\_\_

292 hrs. / 80 mi toll / 95 fee

**TOTAL** 9565

PROCESS SERVER:

RG

Tulare #157597  
 7-2-04

