

<b>UNITED STATES BANKRUPTCY COURT</b> SOUTHERN DISTRICT OF CALIFORNIA 325 West F Street, San Diego, California 92101-6991		
In Re		Bankruptcy No.
Debtor		
		Adversary No.
Plaintiff(s)		
v.		Date: Time:
Defendant(s)		

**BILL OF COSTS**

Notice is given that the following Bill of Costs will be presented to the Clerk of the Bankruptcy Court on the date and time stated above in Room 234 of the Jacob Weinberger U.S. Courthouse, 325 West "F" Street, San Diego, California.

Judgment was entered in the above entitled action on \_\_\_\_\_ (date), against :

The clerk of the bankruptcy court is requested to tax the following as costs:

Fees of the clerk . . . . .	\$ _____
Fees for service of summons and complaint . . . . .	\$ _____
Fees of the court reporter for any and all part of the transcript necessarily obtained for use in the case	\$ _____
Fees and disbursements for printing . . . . .	\$ _____
Fees for witnesses ( <i>itemized on reverse</i> ) . . . . .	\$ _____
Fees for exemplifications and copies of papers necessarily obtained for use in this case . . . . .	\$ _____
Docket fees under 28 U.S.C. § 1923 . . . . .	\$ _____
Costs incident to taking of depositions . . . . .	\$ _____
Costs as shown on Mandate of appellate court . . . . .	\$ _____
Other costs [ <i>itemized on reverse</i> ] . . . . .	\$ _____
<b>TOTAL</b>	\$ _____

**DECLARATION**

I, attorney for \_\_\_\_\_, declare under penalties of perjury that the foregoing costs are correct and were necessarily incurred in this action, that the services for which fees have been charged were actually and necessarily performed, and that a copy of this Bill of Costs was mailed this day with postage fully prepaid to (*insert Name and Address of Judgment Debtor*):

DATED: \_\_\_\_\_  
\_\_\_\_\_  
[Attorney for] Moving Party

COSTS ARE TAXED IN THE FOLLOWING AMOUNT AND INCLUDED IN THE JUDGMENT: \$ \_\_\_\_\_

DATED: \_\_\_\_\_  
\_\_\_\_\_  
Michael Williams, Clerk

**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	
<b>TOTAL</b>							

**NOTICE**

**Section 1924, Title 28, U.S. Code provides:**

"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."

**Section 1920 of Title 28 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 Bankruptcy Procedure contain the following provisions: FRBP 7054(b)(1)**

"(1) *Costs Other Than Attorney's Fees.* The court may allow costs to the prevailing party except when a statute of the United States or these rules otherwise provides. 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 14 days' notice; on motion served within seven days thereafter, the action of the clerk may be reviewed by the court."

**FRBP 9006(f)**

"ADDITIONAL TIME AFTER SERVICE BY MAIL OR UNDER RULE 5(b)(2)(D), (E), OR (F) F.R.Civ.P. When there is a right or requirement to act or undertake some proceedings within a prescribed period after service and that service is by mail or under Rule 5(b)(2)(D), (E), or (F) F.R.Civ.P., three days are added after the prescribed period would otherwise expire under Rule 9006(a)."

**Rule 7058**

This rule incorporates Rule 58 F.R.Civ.P. Rule 58(e) provides, in part, "Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees."

**District Court Local Rule 54.1 governs costs in this district.**