

BILL OF COSTS

United States District Court	DISTRICT OF OREGON
TERI SEE AND DARREL SEE, wife and husband,	DOCKET NO.
v. REMINGTON ARMS COMPANY, INC., a Delaware corporation,	MAGISTRATE CASE NO. 81-886 LE

Judgment having been entered in the above entitled action on March 7, 1983 against
date
Teri See and Darrel See the clerk is requested to tax the following as costs:

BILL OF COSTS

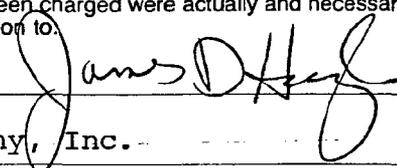
Fees of the clerk	\$ _____
Fees for service of summons and complaint	_____
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	946.80
Fees and disbursements for printing	_____
Fees for witnesses (itemized on reverse side)	5,107.00
Fees for exemplification and copies of papers necessarily obtained for use in case	17.00
Docket fees under 28 U.S.C. § 1923	20.00
Costs incident to taking of depositions	89.00
Costs as shown on Mandate of Court of Appeals	_____
Other costs (Please itemize) (see Affidavit)	502.40
_____	_____
_____	_____
TOTAL	\$ 6,582.20

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories. Briefs should also be submitted supporting the necessity of the requested costs and citing cases supporting taxation of those costs.

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 hereof was this day mailed with postage fully prepaid thereon to:

SIGNATURE OF ATTORNEY _____



FOR: Remington Arms Company, Inc.

Name of claiming party

DATE 3/15/83

Please take notice that I will appear before the clerk who will tax said costs on the following day and time:

DATE AND TIME

Costs are hereby taxed in the following amount and included in the judgment:

AMOUNT TAXED
\$

CLERK OF COURT

(BY) DEPUTY CLERK

DATE

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	
Stephen D. Boudreau, Astoria, OR	1	\$30			200	\$33	\$ 63.00
Starr Boudreau, Astoria, OR	1	30			200	33	63.00
James B. McDermott, Astoria, OR	1	30			200	33	63.00
Daniel P. Laughman, Astoria, OR	1	30			200	33	63.00
Clatsop County Sheriff-Service fee on above							60.00
John Linde, Richfield Springs, New York			6	\$450	air-fare	835	1,285.00
James Stekl, New York, NY			5	375	air-fare	998	1,373.00
Robert Hillberg, Cheshire, CT			6	450	air-fare	357	807.00
Bill Davis, Wellsboro, PA			6	450	air-fare	880	1,330.00
						TOTAL	\$5,107.00

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."

1 James D. Huegli
2 SCHWABE, WILLIAMSON, WYATT,
3 MOORE & ROBERTS
4 1200 Standard Plaza
5 1100 SW Sixth Avenue
6 Portland, OR 97204
7 Telephone: (503)222-9981

8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF OREGON

11 TERI SEE and DARREL SEE, wife)
12 and husband,)
13 Plaintiffs,) Civil No. 81-886 LE
14 v.) AFFIDAVIT OF JAMES D. HUEGLI
15 REMINGTON ARMS COMPANY, INC.,) IN SUPPORT OF COST BILL
16 a Delaware corporation,)
17 Defendant.)

18 STATE OF OREGON)
19) ss.
20 COUNTY OF MULTNOMAH)

21 I, JAMES D. HUEGLI, being first duly sworn, depose and say:
22 That I am one of the attorneys for Remington Arms Company,
23 Inc., the Defendant herein, and if called to testify in a court of
24 law, could and would testify from my own personal knowledge as
25 follows:

26 I have been admitted to the Oregon State Bar since 1972 and
am presently a partner in the law firm of Schwabe, Williamson, Wyatt,
Moore & Roberts, Portland, Oregon. With respect to the costs incurred
in this case, I have kept careful records of all necessary expenditures

Page 1 - AFFIDAVT OF JAMES D. HUEGLI IN SUPPORT OF COST BILL

1 incurred by Defendant, Remington Arms Company, Inc. in defense of
2 this case.

3 In the Bill of Cost, the total fees of the court reporter
4 for transcripts necessarily obtained for use in this case are broken
5 down as follows:

6	Martin Murphy (Transcripts of depositions	
7	of John Linde, James Stekl, Marshall Hardy,	
8	Gerald Hill, Robert Joy, James Snedeker,	
	taken August 16, 17 & 18, 1982 in Ilion,	
	New York)	\$796.50
9	Geesman & Associates (transcripts of	
10	depositions of Sydney Jackson, Gerald	
11	Cunningham and James Reddick taken August	
12	4 & 5, 1982)	<u>49.30</u>
	TOTAL:	\$846.80

13 Under the category "Fees for Witnesses" as itemized on the
14 reverse side of the Bill of Costs, the subsistence and mileage
15 figures are true and accurate to the best of my knowledge.

16 Description of the "Costs Incident to Taking of Depositions"
17 is as follows:

18	Deposition of James McDermott, April 2, 1982,	
19	witness and mileage fees	\$ 32.00
20	Deposition of Daniel Laughman, April 2, 1982,	
21	witness and mileage fees	32.00
22	Clatsop County Sheriff, service fee (3/24/82)	<u>25.00</u>
23	TOTAL:	\$ 89.00

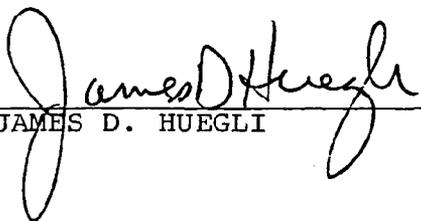
24 Under the category "Fees for Copies of Papers . . ." Defendant
25 Remington Arms Company, Inc. has incurred the following cost:

26	Weather report used as exhibit from the	
	National Climatic Center	\$ 17.00

1 Under the category "Other Costs," Defendant Remington Arms
2 Compnay, Inc. has incurred the following costs:

3 Shipping bill to transport one scale model 700
4 trigger housing assembly from Remington Arms
5 in Ilion, New York to the trial and back to
6 Remington Arms (used as exhibit in trial.) \$268.00
7
8 Rental of five rifles used as exhibits 234.40
9
10 TOTAL: \$502.40

11 I believe that these costs are ordinary and reasonable and
12 verily state that they have been incurred by the Defendant, Remington
13 Arms Company, Inc.

14
15 
16 _____
17 JAMES D. HUEGLI

18 SUBSCRIBED AND SWORN to before me this 16th day of March,
19 1983.

20
21 
22 _____
23 Notary Public for Oregon.
24 My Commission Expires: 7/4/83

CERTIFICATE — TRUE COPY

I hereby certify that the foregoing copy of is a complete and exact copy of the original.

Dated, 19.....

Attorney(s) for

ACCEPTANCE OF SERVICE

Due service of the within is hereby accepted on, 19....., by receiving a true copy thereof.

Attorney(s) for

CERTIFICATES OF SERVICE

Personal

I certify that on, 19....., I served the within on attorney of record for by personally handing to said attorney a true copy thereof.

Attorney(s) for

At Office

I certify that on, 19....., I served the within on attorney of record for by leaving a true copy thereof at said attorney's office with his/her clerk therein, or with a person apparently in charge thereof, at, Oregon.

Attorney(s) for

Mailing

Bill of Costs and Affidavit in Support

I hereby certify that I served the foregoing on Peter R. Chamberlain

attorney(s) of record for Plaintiffs on March 16, 19 83, by mailing to said attorney(s) a true copy thereof, certified by me as such, contained in a sealed envelope, with postage paid, addressed to said attorney(s) at said attorney(s) last known address, to-wit: 214 Mohawk Building, 708 SW Third Avenue, Portland, OR 97204

and deposited in the post office at Portland, Oregon, on said day.

Dated March 16, 19 83

s/James D. Huegli

Attorney(s) for Defendant

SCHWABE, WILLIAMSON, WYATT, MOORE & ROBERTS ATTORNEYS AT LAW 1200 Standard Plaza Portland, Oregon 97204 Telephone 222-9981