

United States Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007

ROBERT A. KATZMANN  
CHIEF JUDGE

Date: September 10, 2018  
Docket #: 16-3592cv  
Short Title: Cargian v. Breitling USA, Inc.

CATHERINE O'HAGAN WOLFE  
CLERK OF COURT

DC Docket #: 15-cv-1084  
DC Court: SDNY (NEW YORK CITY)  
DC Judge: Pitman  
DC Judge: Daniels

VERIFIED ITEMIZED BILL OF COSTS

Counsel for  
Plaintiff-Appellant

respectfully submits, pursuant to FRAP 39 (c) the within bill of costs and requests the Clerk to prepare an itemized statement of costs taxed against the  
Defendant-Appellee

and in favor of  
Plaintiff-Appellant

for insertion in the mandate.

Docketing Fee \$505.00

Costs of printing appendix (necessary copies 6 ) \$1,148.60

Costs of printing brief (necessary copies 6 ) \$248.45

Costs of printing reply brief (necessary copies )

(VERIFICATION HERE)

STATE OF NEW YORK  
COUNTY OF NEW YORK  
SUBSCRIBED AND SWORN  
BEFORE ME  
THIS 11 DAY OF September  
2018



Sobia Arshad

Signature



September 10, 2018

LAW OFFICE OF JANICE GOODMAN  
 61 Jane Street  
 Suite 11D  
 New York, N.Y. 10014

Cargian v. Breitling USA  
 Opening Brief & Appendix  
 United States Court of Appeals - Second Circuit

**ITEMIZED BILL OF COSTS**

Typesetting, Printing and Binding

**Docket No. 16-3592**

**Appellant's Brief - 6 Copies / 61 Pages**

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**Appendix - 6 Copies / 828 Pages**

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*Natasha N. Monell*

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FREDERICK M. CARGIAN,  
Plaintiff-Appellant

—against—

16-3592

BREITLING USA, INC.,  
Defendant-Appellee

x

AFFIRMATION IN SUPPORT OF BILL OF COSTS

Janice Goodman, an attorney in good standing before the Bar of the State of New York and a member in good standing of the bar of this Court, affirms under penalty of perjury:

1. I represent the Plaintiff-Appellant, Frederick M. Cargian (“Cargian”) and submit this affirmation in support of his request for payment of his Bill of Cost.
2. Cargian’s action was brought pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq*, alleging that he was terminated from his employment because of his sexual orientation.
3. The District Court granted Defendant-Appellee’s motion for summary judgement resting its determination entirely on this Court’s decisions in *Simonton v Runyon*, 232 F 33 (2d Cir. 2000) holding that Title VII’s proscription against sex discrimination does not extend to sexual orientation and *Dawson v Bumble & Bumble*, 398 F 3d 211 (2d Cir., 2005) holding that a plaintiff cannot bootstrap a sexual orientation claim by claiming sexual stereotyping.
4. The primary issue addressed by the parties on this appeal was whether, as a matter of law, Title VII’s proscription against discrimination “because of sex” includes discrimination

5. On September 10, 2018, this Court vacated the District Court Order granting summary judgment to Defendant-Appellee based on its reversal of *Simonton* in *Zarda v Altitude Express, Inc.*, 883 F. 3d 100 (2d Cir. 2018)(en banc) and remanded the case to the District Court.

6. As Plaintiff-Appellant is the prevailing party on the primary issue that this appeal addressed the Court should grant his Bill of Costs.

Dated: New York, New York

September 11 , 2018



JANICE GOODMAN