

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FREDERICK M. CARGIAN,

Plaintiff,

-against-

BREITLING USA, INC.,

Defendant.

ECF Case

15 Civ. 1084 (GBD)

**NOTICE OF APPLICATION FOR
COSTS SOUGHT AGAINST
PLAINTIFF**

PLEASE TAKE NOTICE that, upon Defendant's Bill of Costs, the Declaration of Glenn S. Grindlinger dated September 27, 2021, and the exhibits annexed thereto, and all other pleadings and proceedings herein, Defendants will move this Court before the Orders and Judgment Clerk at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, Room 250, New York, New York 10007 on October 18, 2021 at 9:30 a.m., or as soon thereafter as counsel may be heard at a time and date to be determined as convenient for the Court for an order pursuant to Rule 54 of the Federal Rules of Civil Procedure, Local Civil Rule 54.1, and 208 U.S.C. §§1920 and 1923 granting costs sought by Defendant and granting such other relief that this Court deems proper.

Respectfully submitted,

DATED: New York, New York

October 4, 2021

FOX ROTHSCHILD LLP
Attorneys for Defendant

/s/ Glenn S. Grindlinger
Glenn S. Grindlinger

UNITED STATES DISTRICT COURT

for the

Southern District of New York

FREDERICK M. CARGIAN

BREITLING USA, INC.

Case No.:15-CIV-1084 (GBD)

BILL OF COSTS

Judgment having been entered in the above entitled action on 09/15/2021 against PLAINTIFF, the Clerk is requested to tax the following as costs:

Table with 2 columns: Description of costs and Amount. Includes rows for Fees of the Clerk, Fees for service of summons and subpoena, Fees for printed or electronically recorded transcripts, Fees and disbursements for printing, Fees for witnesses (0.00), Fees for exemplification, Docket fees, Costs as shown on Mandate of Court of Appeals, Compensation of court-appointed experts, Compensation of interpreters, and Other costs (DEPOSITIONS OF WITNESSES) totaling 9,855.65.

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 has been served on all parties in the following manner:

- Electronic service (checked)
First class mail, postage prepaid
Other:

s/ Attorney: /s/ Glenn S. Grindlinger

Name of Attorney: Glenn S. Grindlinger

For: Defendant Breitling USA, Inc. Date: October 1, 2021

Taxation of Costs

Costs are taxed in the amount of and included in the judgment.

By: Clerk of Court 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 Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
					TOTAL		\$0.00

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)(1)

Costs Other than Attorneys’ Fees.

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

RULE 6

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.