

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

LIBERTARIAN PARTY OF ARKANSAS,)	
KRISTIN VAUGHN, ROBERT CHRIS)	
HAYES, DEBRAH STANDIFORD, and)	
MICHAEL PAKKO,Plaintiffs,)	
)	
v.)	Case No. 4:15-cv-635-JM
)	
MARK MARTIN, in his official capacity as)	
Secretary of State for the State of Arkansas,)	
.....Defendant.))	
)	

PLAINTIFFS' MEMORANDUM BRIEF
IN SUPPORT OF THEIR VERIFIED BILL OF COSTS

Plaintiffs received a judgment entered by the Trial Court in the instant case on July 18, 2016. Pursuant to 28 U.S.C. § 1920, the Plaintiffs have filed a Bill of Costs for their \$400.00 filing fee with a copy of the check for said filing of October 14, 2015, as entered on the docket on October 14, 2015 [Doc. No. 1], and for their \$100.00 *pro hac vice* filing fee for James C. Linger with a copy of the check for said filing of October 14, 2015, as entered on the docket on October 14, 2015 [Doc. No. 2], \$83.20 for the deposition of Michael Pakko, and \$127.80 for the transcript of the motion hearing on February 19, 2016. The Defendant is hereby notified that attached hereto as Exhibit "A" is a copy of the aforesaid Bill of Costs of the Plaintiffs setting forth the items of the costs and disbursements of the Plaintiffs in this action, and identifying the situs that the same will be adjusted and taxed by the Clerk of the above-entitled Court pursuant to Rule 54(d)(1) of the Federal Rules of Civil Procedure.

Dated this 27th day of July, 2016.

Libertarian Party of Arkansas,
Kristin Vaughn, Robert Chris Hayes,
Debrah Standiford, and Michael Pakko

/s/ James C. Linger
James C. Linger, OBA No. 5441
1710 South Boston Avenue
Tulsa, OK 74119-4810
(918) 585-2797 Telephone
(918) 583-8283 Facsimile
bostonbarristers@tulsacoxmail.com

W. Whitfield Hyman, AB No. 2013-237
King Law Group
300 North 6th Street
Fort Smith, Arkansas 72901
Telephone (479) 782-1125
Facsimile (479) 316-2252
william.hyman@gmail.com
Counsel for Plaintiffs

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that a true and exact copy of the foregoing has been served on all counsel of record via the Court's CM/ECF e-mail notification system on the 27th day of July, 2016.

/s/ James C. Linger
James C. Linger

IN THE UNITED STATES DISTRICT COURT FOR THE
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_____)	
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)	
v.)	Case No. 4:15-cv-635-JM
)	
MARK MARTIN, in his official capacity as)	
Secretary of State for the State of Arkansas,)	
.....Defendant.))	
_____)	

ATTACHMENT

PLAINTIFFS' EXHIBIT "A"

BILL OF COSTS

UNITED STATES DISTRICT COURT

for the

Eastern District of Arkansas
Western Division

LIBERTARIAN PARTY OF ARKANSAS, et al.

v.

MARK MARTIN, in his official capacity as
Secretary of State for the State of Arkansas

Case No.: 4:15-CV-635-JM

BILL OF COSTS

Judgment having been entered in the above entitled action on 07/18/2016 against Defendant,
Date

the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$	400.00
Fees for service of summons and subpoena		
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case		
Fees and disbursements for printing		
Fees for witnesses (itemize on page two)		
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case.		
Docket fees under 28 U.S.C. 1923		
Costs as shown on Mandate of Court of Appeals		
Compensation of court-appointed experts		
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828		
Other costs (please itemize) (Pro Hac Vice filing fee, \$100; Deposition of Michael Pakko, \$83.20; Tr. of Motion Hearing of 2-19-2016, \$127.80)		311.00
TOTAL	\$	711.00

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



First class mail, postage prepaid



Other:

s/ Attorney: s/ James C. LingerName of Attorney: James C. LingerFor: Libertarian Party of Arkansas, et al.
Name of Claiming PartyDate: 07/27/2016

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	
	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 Rule 5(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.

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MICHAEL PAKKO,)	Plaintiffs,
)	
v.)	Case No. 4:15-cv-635-JM
)	
MARK MARTIN, in his official capacity as)	
Secretary of State for the State of Arkansas,)	
.....)	Defendant.)

ATTACHMENT

PLAINTIFFS' EXHIBIT "1"

FILING FEE AND PRO HAC VICE FEE

JAMES C. LINGER ATTORNEY AT LAW 39-7279/3030 1706
 IOLTA ACCOUNT
 1710 S. BOSTON AVE. PH. 918-585-2797
 TULSA, OK 74119

DATE 10/9/2015

PAY TO THE ORDER OF Clerk, U.S. District Court \$ 400 ⁰⁰/₁₀₀
Four hundred and ⁰⁰/₁₀₀ DOLLARS

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MEMO Libert. Party Ark v. Martin James C. Linger MP

1706

JAMES C. LINGER ATTORNEY AT LAW 39-7279/3030 1707
 IOLTA ACCOUNT
 1710 S. BOSTON AVE. PH. 918-585-2797
 TULSA, OK 74119

DATE 10/9/2015

PAY TO THE ORDER OF Clerk, U.S. District Court \$ 100 ⁰⁰/₁₀₀
One hundred and ⁰⁰/₁₀₀ DOLLARS

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MEMO Libert. Party Ark v. Martin James C. Linger MP

1707

IN THE UNITED STATES DISTRICT COURT FOR THE
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WESTERN DIVISION

LIBERTARIAN PARTY OF ARKANSAS,)	
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HAYES, DEBRAH STANDIFORD, and)	
MICHAEL PAKKO,Plaintiffs,)	
)	
v.)	Case No. 4:15-cv-635-JM
)	
MARK MARTIN, in his official capacity as)	
Secretary of State for the State of Arkansas,)	
.....Defendant.))	

ATTACHMENT

PLAINTIFFS' EXHIBIT "2"

**INVOICE FROM SUSAN B. WHITSON
FOR TRANSCRIPT OF DEPOSITION
OF MICHAEL PAKKO AND
INVOICE FROM CHERYL NELSON KELLAR
FOR TRANSCRIPT OF MOTION HEARING
OF FEBRUARY 19, 2016**

SUSAN B. WHITSON, CCR, INC.
9810 Woodland Drive
Mabelvale, AR 72103
(501) 455-1170
EIN 62-1726023
STATE VENDOR NO. 100027831
WhitsonCCR@aol.com

INVOICE NO. 2016-112

TO:

MR. JAMES C. LINGER
Law Offices of James C. Linger
1710 South Boston Avenue
Tulsa, Oklahoma 74119-4810

RE: Libertarian Party of Arkansas, et al. v. Mark
Martin, in his official capacity as Secretary of State,
USDC No. 4:15-cv-00635

(DUE UPON RECEIPT)

INVOICE DATE: 2/16/16

Deposition of Michael Pakko, taken by A.J. Kelly, in
Little Rock, Arkansas, February 12, 2016.

Copy of transcript, 62 pages	\$77.50
Exhibits	\$ 5.70

TOTAL DUE \$ 83.20

Thank you.

JAMES C. LINGER ATTORNEY AT LAW
IOLTA ACCOUNT
1710 S. BOSTON AVE. PH. 918-585-2797
TULSA, OK 74119

39-7279/3030

1755

DATE 3/4/2016

PAY TO THE
ORDER OF

Susan B. Whitson, CCR, Inc. \$ 83 ²⁰/₁₀₀

Eighty-Three and ²⁰/₁₀₀

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MEMO

Inv. # 2016-112
LPAR v. Martin

James C. Linger

1755

AO44
(Rev. 11/07)UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

INVOICE NO: 20150043

MAKE CHECKS PAYABLE TO: _____

James C. Linger
Law Offices of James C. Linger
1710 South Boston Avenue
Tulsa, OK 74119-4810

Phone: _____

CHERYL NELSON KELLAR, RPR, CRR, CCR
United States Court Reporter
500 West Capitol Avenue
Box C-411
Little Rock, AR 72201
Phone: (501) 604-5105

cnelsonkellar@gmail.com

☒ CRIMINAL ☐ CIVIL

DATE ORDERED:

06-21-2016

DATE DELIVERED:

06-21-2016

Case Style: 4:15CV635 JM, Libertarian Party of Arkansas v Mark Martin
Motions hearing before Judge Jay Moody on 2/19/16.
*Filed with the Clerk.

CATEGORY	ORIGINAL			1ST COPY			2ND COPY			TOTAL CHARGES
	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL	
Ordinary				142	0.90	127.80				127.80
14-Day										
Expedited										

JAMES C. LINGER ATTORNEY AT LAW

39-7279/3030

1803

IOLTA ACCOUNT

1710 S. BOSTON AVE. PH. 918-585-2797
TULSA, OK 74119

DATE 6/22/2016

PAY TO THE
ORDER OFCheryl Nelson Kellar, RPR, CRR, CCR \$ 127 ⁸⁰/₁₀₀One hundred Twenty-Seven and ⁸⁰/₁₀₀

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MEMO LPAR v. Martin
Preh. Inj. Hr. - 2/19/2016IBC Free
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1803 Inv. # 20150043

TOTAL DUE: \$127.80

ADDITIONAL INFORMATION

Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within seven (7) calendar days, payment would be at the ordinary delivery rate.

CERTIFICATION

I certify that the transcript fees charged and page format used comply with the requirements of this court and the Judicial Conference of the United States.

SIGNATURE:

/s/ Cheryl Nelson Kellar

DATE

06-21-2016

(All previous editions of this form are
cancelled and should be destroyed)