



U.S. Department of Justice

Please reply to: Appellate Section

Tax Division P.O. Box 502
Washington, D.C. 20044

Facsimile No. (202) 514-8456

Telephone No. (202) 514-3361

JANolet:cs

5-35-10644

CMN 2004106494

August 1, 2007

VIA FEDEX

Patricia S. Connor, Esquire
Clerk, U.S. Court of Appeals
for the Fourth Circuit
Lewis F. Powell, Jr. U.S. Courthouse
Annex
1100 East Main Street, Suite 501
Richmond, VA 23219-3517

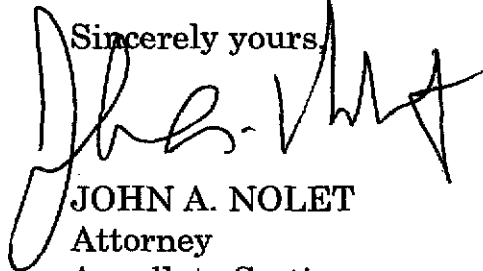
Re: United States of America v. John B. Kotmair, Jr., et al.
(4th Cir. - No. 07-1156)

Dear Ms. Connor:

In accordance with the July 26, 2007 opinion of your Court in the above-entitled case, we enclose herewith a verified bill of costs, accompanied by a copy of the printer's bill, together with a supporting declaration. A copy of this letter and a copy of the foregoing documents are being mailed this day by FedEx, to appellant, John D. Kotmair, appearing *pro se* and on counsel for appellant Save-A-Patriot Fellowship. We are also enclosing an appearance form entering my appearance as co-counsel on behalf of the appellee. (Please note that I am *not* replacing existing lead counsel in the case.)

You are hereby requested to cause this bill of costs to be taxed as costs in your Court. This case is currently assigned to Carol A. Barthel of this office, who may be reached at (202) 514- 2921.

Any questions regarding this letter should be directed to Carol Silverberg, a paralegal of this office, who may be reached at (202) 514-5327.

Sincerely yours,

JOHN A. NOLET
Attorney
Appellate Section

Enclosures

cc: Mr. John B. Kotmair, Jr.
12 Carroll Street
Westminster, MD 21158

George E. Harp, Esquire
Suite 619
610 Marshall Street
Shreveport, LA 71101

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

RE: 07-1156 United States of America v. John B. Kotmair, Jr., et al.

SEE INSTRUCTIONS BEFORE COMPLETING THIS FORM.
BILL OF COSTS

The Clerk is requested to tax the following costs against: Appellant.

COURT COSTS TAXABLE UNDER RULE 39, FRAP	AMOUNT CLAIMED	AMOUNT TAXED (Court Use ONLY)
Docketing Fee		
Printing Appendix [] Pages		
Printing Appellant's Brief [] Pages		
Printing Appellee's Brief [912 @ .06] Pages	\$54.72	
Printing Appellant's Reply Brief [] Pages		
Printing Appellant's Second Reply Brief ** [] Pages		
TOTAL AMOUNT:	\$54.72	

If costs are sought for or against US, agency or officer, cite statutory authority.

I declare under penalty of perjury that the foregoing costs are true and correct and were necessarily incurred in this action. Service is made upon opposing counsel and a copy of the certificate of service is attached.

Date 08/01/07	Signature 	(For) Name of Claiming Party Internal Revenue Service
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Certificate of Service

I certify that on August 1, 2007 I mailed a copy of the bill of costs form to John B. Kotmair, Jr., appearing *pro se*, and counsel for Save-A-Patriot Fellowship at the addresses shown below:

George E. Harp, Esq.
610 Marshall Street, #619
Shreveport, LA 71101

Mr. John B. Kotmair, Jr.
12 Carroll Street
Westminster, MD 21158

Signature

MEMORANDUM

Subject:

Cost of Duplicating the
Brief for the United States

Date:

August 1, 2007

From:

Joseph E. Young
Executive Officer

To:

Eileen J. O'Connor
Assistant Attorney General
Tax Division

This is to certify that the cost for copies made in our *Litigation Support Service Center* in the Main Justice Building is 6 cents per page. Consequently, I certify that the cost of duplicating fourteen copies of the Brief for the United States in United States v. John B. Kotmair, Jr., et al., No. 07-1156, filed in the United States Court of Appeals for the Fourth Circuit, is as follows:

Brief for the United States:

912 sheets copied at \$.06 per copy = \$54.72

Total:

\$54.72

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,)	
)	
Plaintiff-Appellee)	
)	
v.)	No. 07-1156
)	
JOHN B. KOTMAIR, JR.,)	
dba Save-A-Patriot Fellowship,)	
dba National Workers Rights Committee,)	
)	
Defendant-Appellant)	
)	
SAVE-A-PATRIOT FELLOWSHIP,)	
an unincorporated association,)	
)	
Defendant-Appellant)	

DECLARATION

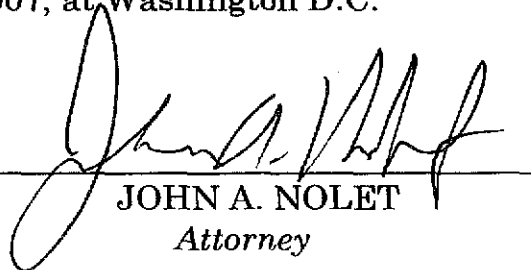
JOHN A. NOLET, counsel for the appellee, the United States, states as follows:

1. Rule 39(b) of the Federal Rules of Appellate Procedure provides that “[c]osts for or against the United States, its agency, or officer will be assessed under Rule 39(a) only if authorized by law.” Under 28 U.S.C. § 2412(a)(1), “[e]xcept as otherwise specifically provided by statute, a judgment for costs, as enumerated in section 1920 of this title [exclusive of attorneys’ fees] may be awarded to a prevailing party in any civil action brought by or against the United States or any agency or any official of the United States acting in his

or her official capacity in any court having jurisdiction of such action.” Under 28 U.S.C. § 1920(4), taxable costs include the costs of copying papers necessarily filed in the case.

2. I am an attorney employed in the Appellate Section of the Tax Division of the Department of Justice, and that in that capacity I have knowledge of the cost of duplicating the appellee’s brief filed and served in the United States Court of Appeals for the Fourth Circuit in the above-entitled case, and that the total cost of duplicating said item was \$54.72 as shown by the attached copy of the printer’s bill, dated August 1, 2007, and that the total cost is correct to the best of my knowledge and belief and has been necessarily incurred.

I declare under penalty of perjury pursuant to 28 U.S.C. Section 1746 that the foregoing is true and correct. Executed this 1st day of August, 2007, at Washington D.C.



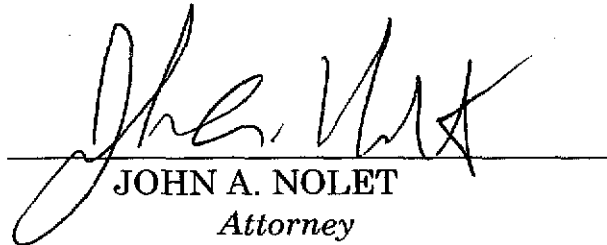
JOHN A. NOLET
Attorney

CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing bill of costs has been made on appellant John B. Kotmair, Jr., appearing *pro se*, and on counsel for the appellant Save-A-Patriot Fellowship, on this 1st day of August, 2007, by sending a copy thereof, via FedEx, properly addressed to them as follows:

Mr. John B. Kotmair, Jr.
12 Carroll Street
Westminster, MD 21158

George E. Harp, Esq.
610 Marshall Street, #619
Shreveport, LA 71101



JOHN A. NOLET
Attorney