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

DEBRA ANN LIVINGSTON
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

Date: March 27, 2023
Docket #: 22-38cv
Short Title: Agudath Israel of America v. Hochul

DC Docket #: 20-cv-4834
DC Court: EDNY (BROOKLYN)
DC Judge: Levy
DC Judge: Matsumoto

VERIFIED ITEMIZED BILL OF COSTS

Counsel for
Defendant-Appellee

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
Plaintiff-Appellant

and in favor of
Defendant-Appellee

for insertion in the mandate.

Docketing Fee N/A

Costs of printing appendix (necessary copies) N/A

Costs of printing brief (necessary copies 6 copies) $131.40

Costs of printing reply brief (necessary copies) N/A

(VERIFICATION HERE)

Dustin J. Brockner
Signature

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

AGUDATH ISRAEL OF AMERICA, AGUDATH ISRAEL OF KEW GARDEN HILLS, AGUDATH ISRAEL OF MADISON, RABBI YISROEL REISMAN, RABBI,

Plaintiffs-Appellants,

AGUDATH ISRAEL OF BAYSWATER, RABBI MENACHEM FEIFER,

Plaintiffs,

-v-

KATHY HOCHUL, Governor of the State of New York, in her official capacity,

Defendant-Appellee.

Docket No. 22-38

VERIFICATION OF ITEMIZED BILL OF COSTS

DUSTIN J. BROCKNER, an attorney admitted to practice before this Court, affirms the following under penalty of perjury:

1. I am an Assistant Solicitor General in the office of Letitia James, Attorney General of the State of New York, and the attorney for Defendant-Appellee. I am familiar with the matters set forth in this verification based on my review of this Office's policies and case file.

2. In a Summary Order, issued March 27, 2023, this Court affirmed the judgment of the United States District Court for the Eastern District of New York.

3. I make this Verification in support of Defendant-Appellee's Bill of Costs so that costs may be taxed against Plaintiff-Appellant and in favor of Defendant-Appellee for insertion in the mandate pursuant to Federal Rule of Appellate Procedure 39.

4. The costs set forth on the annexed Itemized and Verified Bill of Costs were necessarily incurred by Defendant-Appellee in this appeal and are reasonable in amount.

5. The costs were calculated based on the rates listed in the attached memorandum from the Office of the Attorney General for each document:

a. reproduction costs: $0.20 per page

b. binding: $1.00 per document

c. cover: $75.00 flat fee per document

6. Based on these rates, the cost to Defendant-Appellee for reproduction of papers is $131.40, calculated as follows:

Brief for Defendant-Appellee:	$ **131.40**
(6 copies x 42 pages/copy x $0.20/page + 6 copies x 1 binding/copy x $1.00/binding + $75.00 flat fee cover)	
Total	$ **131.40**

7. Therefore, total recoverable costs of $**131.40** should be taxed against Plaintiff-Appellant and in favor of Defendant-Appellee for insertion in the mandate.

Dated: March 29, 2023
Albany, New York

s/ *Dustin J. Brockner*
DUSTIN J. BROCKNER
Assistant Solicitor General

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

MEMORANDUM

TO: Barbara D. Underwood

FROM: Michael Lefebvre, Director, Budget and Fiscal Management

RE: Costs in Litigation and Reproduction Rates for Appellate Courts

DATE: March 22, 2011

Whenever possible, bureaus should seek all costs as authorized by federal or state statute or rule, including docketing fees and reproduction of documents. The following rates for the reproduction of appellate papers apply when these costs are to be charged to or shared with an individual or firm outside the Department of Law.

1. When legal papers are reproduced by an outside commercial printer, we charge the actual costs (to the legally permitted maximum) as indicated on the payment voucher/invoice from the printer.

2. When reproduction is performed in our own printing units, we will charge as follows:

RATES FOR CALCULATION OF COSTS

	Rate	Notes
Per page charge for all documents	.20	motion papers, briefs, or records
Binding per document	1.00	e.g., thirteen copies of a brief = $13
Cover	75.00	flat fee, including preparation of reproduction
Miscellaneous preparation fees		a flat fee per case that covers scanning and OCR conversion, producing tables of contents, page headings (for state court cases)
2nd Circuit and Appellate Divisions	150.00	
Court of Appeals	50.00	

This administrative memorandum supersedes the 1993 memoranda governing reproduction and preparation costs for legal printing or legal documents on appeal. Costs for reproduction of documents under the Freedom of Information Law are set under a separate memorandum.

Costs for Defendant-Appellee Brief

6 copies for court x 42 pages x $0.20/page	$ 50.40
6 copies for court x $1.00/binding	$ 6.00
Flat Fee (preparation for reproduction)	$ 75.00
Total	**$131.40**