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United States Court of Appeals

For the Eleventh Circuit

2003 JAN 22 PM 1:09

U.S. COURT
N.D. OF ALABAMA

No. 02-13248

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

District Court Docket No.
01-00901-CV-H-S

Nov 29, 2002
THOMAS K. KAHN
CLERK

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff-Appellant,

versus

ELECTRONIC DATA SYSTEMS CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Alabama

A True Copy - Attested:
Clerk, U.S. Court of Appeals
Eleventh Circuit
By: *[Signature]*
Deputy Clerk
Atlanta, Georgia

J U D G M E N T

It is hereby ordered, adjudged, and decreed that the attached opinion included herein by reference, is entered as the judgment of this Court.

Entered: November 29, 2002
For the Court: Thomas K. Kahn, Clerk
By: Meoli, Anthony

ISSUED AS MANDATE
JAN 21 2003
U.S. COURT OF APPEALS
ATLANTA, GA.

35

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 02-13248
Non-Argument Calendar

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

NOV 29 2002

THOMAS K. KAHN
CLERK

D.C. Docket No. 01-00901-CV-H-S

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff-Appellant,

versus

ELECTRONIC DATA SYSTEMS CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court for the
Northern District of Alabama

(November 29, 2002)

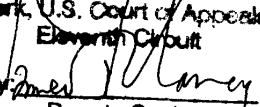
Before TJOFLAT, CARNES and WILSON, Circuit Judges.

PER CURIAM:

In its comprehensive Memorandum of Decision dated April 11, 2002, the district court granted appellee's motion for summary judgment in this sex-discrimination-in-employment case. We find no error in the district court's

application of the law to the material facts, none of which are in dispute. The court's judgment is therefore due to be affirmed.

AFFIRMED.

A True Copy - Attested:
Clerk, U.S. Court of Appeals
Eleventh Circuit
By: 
Deputy Clerk
Atlanta, Georgia

**UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
BILL OF COSTS**

Equal Employment Opportunity Commission

Appellant

vs.

Case No. 02-13248

Electronic Data Systems Corporation

Appellee

Fed.R.App.P. 39 and 11th Cir. R. 39-1 (see reverse) govern costs which are taxable in this court and the time for filing the Bill of Costs. A motion for leave to file out of time is required for a Bill of Costs not timely received.

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
DEC 05 2002

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CLERK

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Appellant's Brief							
Record Excerpts	X		81	81	1	12.15	-0- **
Appellee's Brief	X		58	406	7	60.90	\$60.90
Reply Brief							
						TOTAL	
						\$ 73.05	\$ 60.90
						REQUESTED	ALLOWED

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I hereby swear or affirm that the costs claimed were actually and necessarily incurred or performed in this appeal and that I have served this Bill of Costs on counsel/parties of record.

Date Signed: 12-4-02

Signature: [Signature]

Attorney for: Electronic Data Systems Corp.
(Type or print name of client)

**** Only Appellants file record excerpts when filing appellant's brief.**
FOR COURT USE ONLY

Costs are hereby taxed in the amount of \$ \$60.90 against Appellant A True Copy - Attested:
Clerk, U.S. Court of Appeals
Eleventh Circuit

and are payable directly to Appellee

JAN 21 2003

Thomas K. Kahn, Clerk

By: [Signature]
Deputy Clerk
Atlanta, Georgia

Issued on: _____

By: Teresa A. Patterson
Deputy Clerk

FRAP 39. Costs

- (a) Against Whom Assessed. The following rules apply unless the law provides or the court orders otherwise:
- (1) if an appeal is dismissed, costs are taxed against the appellant, unless the parties agree otherwise;
 - (2) if a judgment is affirmed, costs are taxed against the appellant;
 - (3) if a judgment is reversed, costs are taxed against the appellee;
 - (4) if a judgment is affirmed in part, reversed in part, modified, or vacated, costs are taxed only as the court orders.
- (b) Costs For and Against the United States. Costs for or against the United States, its agency, or officer will be assessed under Rule 39(a) only if authorized by law.
- (c) Costs of Copies. Each court of appeals must, by local rule, fix the maximum rate for taxing the cost of producing necessary copies of a brief or appendix, or copies of records authorized by Rule 30(f). The rate must not exceed that generally charged for such work in the area where the clerk's office is located and should encourage economical methods of copying.
- (d) Bill of Costs; Objections; Insertion in Mandate.
- (1) A party who wants costs taxed must — within 14 days after entry of judgment — file with the circuit clerk, with proof of service, an itemized and verified bill of costs.
 - (2) Objections must be filed within 10 days after service of the bill of costs, unless the court extends the time.
 - (3) The clerk must prepare and certify an itemized statement of costs for insertion in the mandate, but issuance of the mandate must not be delayed for taxing costs. If the mandate issues before costs are finally determined, the district clerk must — upon the circuit clerk's request — add the statement of costs, or any amendment of it, to the mandate.
- (e) Costs on Appeal Taxable in the District Court. The following costs on appeal are taxable in the district court for the benefit of the party entitled to costs under this rule:
- (1) the preparation and transmission of the record;
 - (2) the reporter's transcript, if needed to determine the appeal;
 - (3) premiums paid for a supersedeas bond or other bond to preserve rights pending appeal; and
 - (4) the fee for filing the notice of appeal.

* * * *

11th Cir. R. 39-1 **Costs**. In taxing costs for printing or reproduction and binding pursuant to FRAP 39(c) the clerk shall tax such costs at rates not higher than those determined by the clerk from time to time by reference to the rates generally charged for the most economical methods of printing or reproduction and binding in the principal cities of the circuit, or at actual cost, whichever is less.

Unless advance approval for additional copies is secured from the clerk, costs will be taxed only for the number of copies of a brief and record excerpts or appendix required by the rules to be filed and served, plus two copies for each party signing the brief.

All costs shall be paid and mailed directly to the party to whom costs have been awarded. Costs should not be mailed to the clerk of the court.

* * * *

I.O.P. -

1. **Time - Extensions**. A bill of costs is timely if filed within 14 days of entry of judgment. Judgment is entered on the opinion filing date. The filing of a petition for rehearing or petition for rehearing en banc does not extend the time for filing a bill of costs. A motion to extend the time to file a bill of costs may be considered by the clerk.

2. **Costs for or Against the United States**. When costs are sought for or against the United States, the statutory or other authority relied upon for such an award must be set forth as an attachment to the Bill of Costs.

3. **Reproduction of Statutes, Rules, and Regulations**. Costs will be taxed for the reproduction of statutes, rules, and regulations in conformity with FRAP 28(f). Costs will not be taxed for the reproduction of papers not required or allowed to be filed pursuant to FRAP 28 and 30 and the corresponding circuit rules, even though the brief, appendix, or record excerpts within which said papers are included was accepted for filing by the clerk.

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

FILED
2003 JAN 22 PM 1:00
In Reply Give Number
Of Case And Names of Parties
U.S. DISTRICT COURT
BIRMINGHAM

January 21, 2003

Perry D. Mathis
Clerk, U.S. District Court
1729 Fifth Avenue North, #140
Birmingham AL 35203

RE: 02-13248-CC EEOC v. Electronic Data Systems
DC DKT NO.: 01-00901 CV-H-S

The enclosed certified copy of the judgment and a copy of this court's opinion are hereby issued as the mandate of this court.

Also enclosed are the following:

Bill of Costs

- Original Exhibits, consisting of: one folder
- Original record on appeal or review, consisting of: one volume

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

A copy of this letter and the judgment form, but not a copy of the court's opinion or Rule 36-1 decision, is also being mailed to counsel and pro se parties. A copy of the court's opinion or Rule 36-1 decision was previously mailed to counsel and pro se parties on the date it was issued.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: James Delaney (404) 335-6113

Encl.