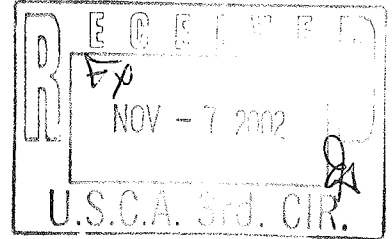


Appeals No. 01-3301



**IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

TENAFLY ERUV ASSOCIATION, INC.; CHAIM BOOK; YOSIFA BOOK;
STEFANIE DARDIK GOTLIEB; and STEPHEN BRENNER

Plaintiffs-Appellants,

v.

THE BOROUGH OF TENAFLY, ANN MOSCOVITZ, individually and in her
official capacity as Mayor of the Borough of Tenafly; CHARLES LIPSON,
MARTHA B. KERGE; RICHARD WILSON; ARTHUR PECK; JOHN T.
SULLIVAN, each individually and in their official capacities as Council Members
of the Borough of Tenafly

Defendants-Appellees.

**DECLARATION OF ROBERT G. SUGARMAN IN SUPPORT OF
PLAINTIFFS-APPELLANTS TENAFLY ERUV ASSOCIATION, INC.
AND STEFANIE DARDIK GOTLIEB'S BILL OF COSTS**

Appeal From The United States District Court For The District Of New Jersey

WEIL, GOTSHAL & MANGES LLP
Robert G. Sugarman
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Craig L. Lowenthal
767 Fifth Avenue
New York, NY 10153-0119
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*Attorneys for Plaintiffs-Appellants
Tenafly Eruv Association, Inc. and
Stefanie Dardik Gotlieb*

Robert G. Sugarman, pursuant to 28 U.S.C. § 1746, hereby declares that the foregoing is true and correct under penalty of perjury:

1. I am a partner at Weil Gotshal & Manges LLP and co-counsel for the Tenafly Eruv Association, Inc. and Stefanie Dardik Gotlieb (“Plaintiffs-Appellants”) in the above matter. I submit this Affidavit in support of Plaintiffs-Appellants’ Bill of Costs pursuant to Federal Rule of Appellate Procedure 39 and Third Circuit Local Appellate Rule 39.3
2. On October 24, 2002, the Court’s judgment reversing the District Court’s denial of Plaintiffs-Appellants’ request for a preliminary injunction and ordering the District Court to issue said injunction was entered on the docket. The Court’s order provided for the taxing of costs against the Appellees.
3. Plaintiffs-Appellants request that the Court, pursuant to Federal Rule of Appellate Procedure 39 and Third Circuit Local Appellate Rule 39.3, tax costs in the amount of \$2025.15 against Defendants-Appellees The Borough of Tenafly, Ann Moscovitz, individually and in her official capacity as mayor of the Borough of Tenafly, Charles Lipson, Martha B. Kerge, Richard Wilson, Arthur Peck, and John T. Sullivan, each individually and in their official capacities as Council Members of the Borough of Tenafly.
4. Attached hereto as Exhibit A is Plaintiffs-Appellants Bill of Costs. Plaintiffs-Appellants’ Brief and Reply Brief were prepared, photocopied and bound in-house, with the exception of their covers, which were prepared by an outside commercial vendor. The Appendices were fully prepared, copied and bound by the same outside commercial vendor. This affidavit supplies the required information concerning the actual costs per page of reproduction, the cost of all other taxable services and the number of copies for which costs are to be taxed.

5. The total cost requested for Plaintiffs-Appellants Tenafly Eruv Association, Inc. and Stefanie Dardik Gotlieb's Brief is \$374.40, with \$3.30 in sales tax to be added. The specific costs are as follows:
 - a. Total Number of Copies – 22 (10 copies plus 12 copies prepared for separately represented parties). Local Appellate Rule 39.3(a) establishes that costs will be allowed for 10 copies of a brief plus 2 copies for each party separately represented. There were six parties separately represented for whom two copies were prepared: Plaintiffs-Appellants Chaim Book, Yosifa Book, and Stephen Brenner; Defendants-Appellees The Borough of Tenafly, Mayor Ann Moscovitz, Charles Lipson, Martha B. Kerge, Richard Wilson, Arthur Peck and John T. Sullivan; amicus curiae The Becket Fund for Religious Liberty; amicus curiae Agudath Israel of America; amicus curiae Union of Orthodox Jewish Congregations of America; and amicus curiae American Civil Liberties Union.
 - b. Total Costs of Binding the Brief - \$88.00 (22 copies at \$4.00 per copy).
 - c. Cost of Reproducing the Brief – \$246.40. (22 copies, 112 pages at \$0.10 per page).
 - d. Cost of Covers. \$40.00, plus an additional \$3.30 in sales tax to be added. The cover was created by Record Press, an outside commercial vendor. The amount charged by Record Press for the cover exceeds the maximum of \$40.00 allowed by the Third Circuit as set out in Local Appellate Rule 39.3(c)(2). See Exhibit B.
6. The total cost requested for Plaintiffs-Appellants' Tenafly Eruv Association, Inc. and Stefanie Dardik Gotlieb's Reply Brief is \$211.60 with \$3.30 in sales tax to be added. The specific costs are as follows:

- a. Total Number of Copies – 22. (See paragraph 5, supra).
 - b. Total Costs of Binding the Brief - \$88.00 (22 copies at \$4.00 per copy).
 - c. Cost of Reproducing the Brief – \$83.60 (22 copies, 38 pages at \$.10 per page).
 - d. Cost of Covers - \$40.00, plus an additional \$3.30 in sales tax to be added. The cover was created by Record Press, an outside commercial vendor. The amount charged by Record Press for the cover exceeds the maximum of \$40.00 allowed by the Third Circuit as set out in Local Appellate Rule 39.3(c)(2). See Exhibit C.
7. Cost of the Appendix - \$1231 plus \$101.50 in sales tax. The Appendix was prepared, photocopied and bound by Record Press. In addition to the Addendum that was attached to Plaintiffs-Appellants’ initial brief, the Appendix was composed of two separate volumes (hereafter “Volume 1” and “Volume 2” of the Appendix). The total amount charged by Record Press to photocopy these two volumes exceeds the maximum amount of .10 cents per page allowed by the Third Circuit under Local Appellate Rule 39.3(c)(2). The total amount charged by Record Press for binding exceeds the maximum amount of \$40.00 allowed by the Third Circuit under Local Appellate Rule 39.3(c)(2). The total amount charged by Record Press for creating the separate covers for the two volumes of the Appendix exceeds that maximum amount of \$40.00 allowed by the Third Circuit under Local Appellate Rule 39(c)(2). See Exhibit D.
8. The specific costs of Volume 1 and Volume 2 of the Appendix, as per Local Appellate Rule 39.3, is outlined below:
- a. Total Number of Copies for Volume 1 of the Appendix – 10 (4 copies plus 6 copies prepared for separately represented parties). Local Appellate Rule 39.3(b) establishes that costs will be allowed for 4 copies of an appendix plus 1

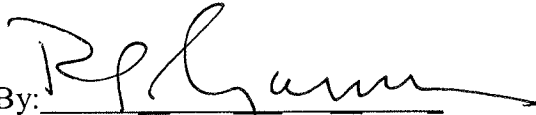
copy for each party separately represented. There were six parties separately represented for whom a copy of Volume 1 of the Appendix were prepared: Plaintiffs-Appellants Chaim Book, Yosifa Book, and Stephen Brenner; Defendants-Appellees The Borough of Tenafly, Mayor Ann Moscovitz, Charles Lipson, Martha B. Kerge, Richard Wilson, Arthur Peck and John T. Sullivan; amicus curiae The Becket Fund for Religious Liberty; amicus curiae Agudath Israel of America; amicus curiae Union of Orthodox Jewish Congregations of America; and amicus curiae American Civil Liberties Union.

- b. Total Costs of Binding Volume 1 of the Appendix - \$40.00, plus an additional \$3.30 in sales tax to be added (10 copies at \$4.00 per copy).
- c. Cost of Photocopying Volume 1 of the Appendix – \$416, with an additional \$34.32 in sales tax to be added (406 pages of text plus a 10 page table of contents at \$.10 per page).
- d. Cost of the Cover for Volume 1 of the Appendix - \$40.00, plus \$3.30 in sales tax, pursuant to Local Appellate Rule 39.3(c)(2).
- e. Total Number of Copies for Volume 2 of the Appendix – 10. See paragraph 8(a).
- f. Total Costs of Binding Volume 2 of the Appendix - \$40.00, plus an additional \$3.30 in sales tax to be added (10 copies at \$4.00 per copy).
- g. Cost of Photocopying Volume 2 of the Appendix – \$655, with an additional \$54.03 in sales tax to be added (645 pages of text plus a 10 page table of contents at \$.10 per page).

- h. Cost of the Cover for Volume 2 of the Appendix - \$40.00, plus \$3.30 in sales tax, pursuant to Local Appellate Rule 39.3(c)(2).

Dated: November 6, 2002

Respectfully submitted,

By: 
Robert G. Sugarman
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153-0119
Telephone: (212) 310-8000
*Attorneys for Appellants Tenafly
Eruv Association, Inc. and
Stefanie Dardik Gotlieb*



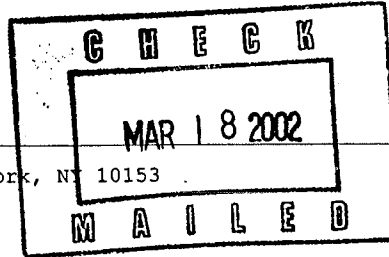


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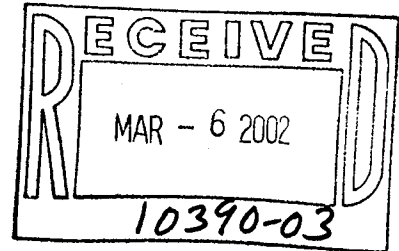
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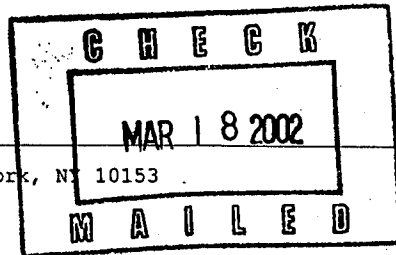
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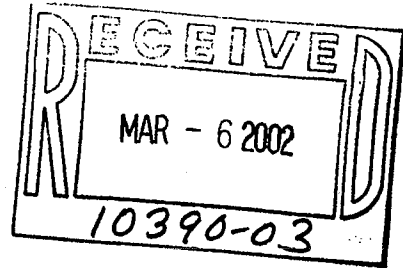
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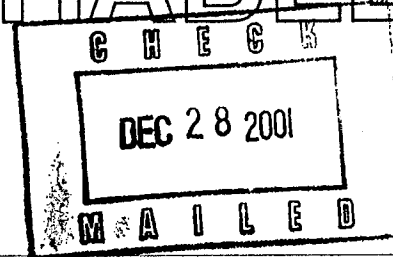
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6	Page Headings @	4.00		24.00T
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	Subtotal			10,344.86
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Plaintiffs-Appellants Tenafly Eruv Association, Inc. and Stefanie Dardik Gotlieb's Bill of Costs and the accompanying Declaration of Robert G. Sugarman in Support of Plaintiffs-Appellants Tenafly Eruv Association, Inc. and Stefanie Dardik Gotlieb's Bill of Costs were served this 6th day of November, 2002, upon the following by Federal Express:

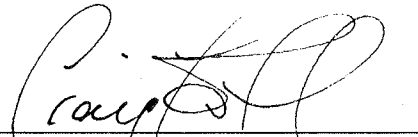
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Craig L. Lowenthal, Esq.

Dated: November 6, 2002
New York, New York