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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
12

JED MARGOLIN,)	
)	Case No. 3:09-cv-00421-LRH-(VPC)
Plaintiff,)	
)	
vs.)	MOTION FOR COSTS
)	
NATIONAL AERONAUTICS AND)	
SPACE ADMINISTRATION,)	
)	
Defendant.)	
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15 Comes now Plaintiff, Jed Margolin (“Margolin”), appearing pro se, and files his Motion
16 for Costs. This motion is made pursuant to 5 U.S.C. 552 § (a)(4)(E):

17 (E)(i) The court may assess against the United States reasonable attorney fees and other
18 litigation costs reasonably incurred in any case under this section in which the
19 complainant has substantially prevailed.

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21 (ii) For purposes of this subparagraph, a complainant has substantially prevailed if
22 the complainant has obtained relief through either -

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24 (I) a judicial order, or an enforceable written agreement or consent decree; or

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26 (II) a voluntary or unilateral change in position by the agency, if the
27 complainant's claim is not insubstantial.
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Discussion

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A. Margolin filed a claim with NASA for patent infringement on June 7, 2003. (Document 62, page 1, line 24 - page 2, line 1)

B. NASA failed to respond to Margolin’s claim until March 19, 2009 and did not respond to Margolin. They responded to OTG. (Document 62, page 2, lines 18-21)

C. Margolin had filed a FOIA request the previous June. (Document 62, page 3, lines 11-14)

It is reasonable to assume that NASA responded to Margolin’s claim only because he had filed the FOIA request.

D. Margolin did not receive a response to his FOIA request until May 2009. (Document 62, page 3, line 15)

E. NASA admits that their response to Margolin’s FOIA request failed to give an estimate of the number of pages of withheld documents. (Document 30, page 6, lines 4-6)

F. On June 10, 2009, Margolin filed an administrative appeal of NASA’s initial determination. (Document 62, page 3, lines 25-26)

G. Not having heard from NASA, Margolin filed this FOIA lawsuit on July 31, 2009, appearing pro se. Doc. #1. (Document 62, page 4, lines 9-10)

1 **H.** On August 5, 2009, NASA issued their final determination on Margolin's administrative
2 appeal. NASA responded by, among other things, estimating the volume of documents withheld
3 at approximately 100 pages. (Document 62, page 4, lines 11-13). Given NASA's past behavior
4 it is reasonable to assume that NASA responded to Margolin's appeal only because he had filed
5 the lawsuit.

6
7 **I.** On November 5, 2009, NASA issued a supplemental response to Margolin's FOIA request.
8 The supplemental response included approximately 4,000 pages of documents. (Document 62,
9 page 5, lines 11-12) Given NASA's past behavior, their production of approximately 4,000 pages
10 of documents can only be characterized as "voluntary." Indeed, the delivery of the documents
11 came as a complete surprise to Margolin.

12
13 **J.** The approximately 4,000 pages of documents, as well as NASA's behavior during this
14 lawsuit, give a valuable look into how Government (especially NASA) works. And that is the
15 purpose of the Freedom of Information Act.

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17 Thus, although Margolin basically lost this lawsuit, at the same time he substantially prevailed
18 and deserves his costs.

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Costs

Margolin's approximate costs are as follows.

Filing Fee	\$350.00
Copies	\$424.31
Travel (Parking and Driving) \$0.55/mile as per IRS	\$545.51
Postage	\$79.43
Supplies	\$125.99
Pacer Charges	\$115.44
Total	\$1,640.68

Conclusion

Margolin requests he be granted his costs.

Respectfully submitted,

/Jed Margolin/

Jed Margolin, plaintiff pro se
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Dated: April 3, 2011

CERTIFICATE OF SERVICE

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The undersigned hereby certifies that service of the foregoing MOTION FOR COSTS has been made by electronic notification through the Court's electronic filing system on April 3, 2011.

/Jed Margolin/

Jed Margolin