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DANIEL G. BOGDEN
United States Attorney

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

JED MARGOLIN,)	Case No. 3:09-CV-00421-LRH-VPC
)	
Plaintiff)	
)	
v.)	<u>RESPONSE TO MOTION</u>
)	<u>REQUESTING NASA BE HELD IN</u>
NATIONAL AERONAUTICS)	<u>CONTEMPT</u>
AND SPACE ADMINISTRATION,)	
)	
Defendant.)	

COMES NOW Defendant, National Aeronautics and Space Administration (“NASA”), and submits this response to Plaintiff’s Motion Requesting NASA be held in Contempt. (#75). Plaintiff seeks to hold NASA in contempt for purportedly refusing to pay Plaintiff \$525.06 in costs related to this Freedom of Information Act case. This Court awarded those costs to Plaintiff in an order dated November 3, 2011. (#73). But NASA fully intends to pay Plaintiff and NASA has not been dilatory in processing its payment to Plaintiff. (Vance Dec. ¶¶ 3-6). Accordingly, this Court should deny Plaintiff’s motion.

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ARGUMENT

This Court awarded Plaintiff \$525.06 in costs in an order dated November 3, 2011. (#73). NASA had 60 days to appeal from that order. F.R.A.P. 4(a) (giving federal agency 60 days to file notice of appeal). NASA did not complete its evaluation of whether to appeal from the judgment awarding Plaintiff costs until early January 2012. (Vance Dec. ¶ 4). Moreover, the government generally requires at least eight weeks to process a judgment for payment. (Vance Dec. ¶ 5). Given the 60-day appeal time and the eight-week period to process the judgment for payment, NASA anticipates that Plaintiff will be paid in March 2012. (Vance Dec. ¶ 6). Because NASA has not been dilatory in paying Plaintiff, this Court should decline to hold NASA in contempt.

CONCLUSION

For the reasons argued above, this Court should deny Plaintiff's Motion Requesting NASA be Held in Contempt. (#75).

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

/s/ Holly A. Vance
HOLLY A. VANCE
Assistant United States Attorney

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CERTIFICATE OF SERVICE

JED MARGOLIN,)	Case No. 3:09-CV-00421-LRH-VPC
)	
Plaintiff,)	
)	
v.)	
)	
NATIONAL AERONAUTICS)	
AND SPACE ADMINISTRATION,)	
)	
Defendant.)	

I hereby certify that I am an employee in the office of the United States Attorney, Reno, Nevada and I am of such age and discretion as to be competent to serve papers. On February 22, 2012, I served a copy of RESPONSE TO MOTION REQUESTING NASA BE HELD IN CONTEMPT electronically or by U.S. Mail in a postpaid envelope, as appropriate, to the person named below at the stated address.

Addressee:

Jed Margolin
1981 Empire Road
VC Highlands, NV 89521
jmcase@jmargolin.com

/s/ Holly A. Vance
HOLLY A. VANCE

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2 **DECLARATION OF HOLLY A. VANCE**
3

4 I, Holly A. Vance, hereby declare as follows pursuant to 28 U.S.C. § 1746:

5 1. I serve as an Assistant United States Attorney with the Department of Justice, United
6 States Attorney's Office in Reno, Nevada. I have been employed in that capacity since October
7 2008.

8 2. I have been assigned to defend the litigation entitled *Margolin v. NASA*, 3:09-CV- 421-
9 LRH-VPC.

10 3. On November 3, 2011, this Court awarded \$525.06 in costs to Plaintiff. (#73).

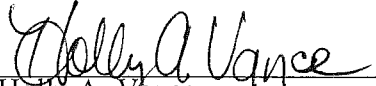
11 4. The National Aeronautics and Space Administration ("NASA") did not complete its
12 evaluation of whether to appeal from that cost award until early January 2012. At that time,
13 NASA decided that it would not appeal from the cost award.

14 5. Accordingly, NASA fully intends to pay the award, as ordered by this Court. It generally
15 takes about eight weeks, however, to process a judgment for payment.

16 6. Given the 60-day appeal time and the eight-week period to process the judgment for
17 payment, NASA anticipates that Plaintiff will be paid in March 2012.

18
19 I declare under penalty of perjury that the foregoing is true and correct.
20

21 Executed this 22nd day of February, 2012, in Reno, Nevada.
22

23 
24 _____
25 Holly A. Vance
26 Assistant United States Attorney
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