

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

March 10, 2008

Charles R. Fulbruge III
Clerk

No. 07-20006

AIR BOB, INC.,

Plaintiff-Appellant,

v.

GE ENGINE SERVICES CORPORATE AVIATION, INC.,
doing business as Garrett Aviation Services,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
No. 4:03-CV-1854

Before REAVLEY, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:*

Air Bob, Inc., sued GE Engine Services Corporate Aviation, Inc., doing business as Garret Aviation Services, alleging faulty repair of the plaintiff's air-

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

craft. In the bench trial, the district court granted a defense motion for what the parties refer to as a "directed verdict," concluding "that Air Bob has failed to present any evidence of a duty owed by Garrett that it breached." That order is correct, essentially for the reasons set forth in the memorandum and order entered November 6, 2006.

After entry of judgment, the district court awarded costs to defendant as the prevailing party. Plaintiff appeals the award to the extent it includes the cost of videotaped depositions. Defendant properly acknowledged in oral argument that the law in this circuit is that such costs are not taxable. See, e.g., *Migis v. Pearle Vision*, 135 F.3d 1041, 1049 (5th Cir. 1998). Defendant challenges that caselaw as erroneous, but we have no authority to overrule previous panel decisions. The award in this case is in error.

The judgment granting a directed verdict is **AFFIRMED**. The order awarding costs is **VACATED** and **REMANDED** for recalculation in accordance with this opinion.