

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

RUBY SCOTT

PLAINTIFF

vs.

NO: 2:08CV00020 BSM

HELENA REGIONAL MEDICAL CENTER

DEFENDANT

ORDER

On April 10, 2009, the court entered judgment in favor of defendant and dismissed plaintiff's complaint with prejudice. Defendant has filed a Bill of Costs requesting that costs in the amount of \$2,530.60 be taxed against plaintiff. Plaintiff opposes the costs claimed for Patricia Fuller's travel to Arkansas for trial in the amount of \$1,507.89. She does not oppose the remaining \$1,022.71 in costs requested by defendant.

Plaintiff contends that defendant is not entitled to costs for Fuller's travel because her testimony could have been taken by deposition rather than having her travel to Helena. Defendant was unable to locate Fuller until two days before trial. Defendant arranged for Fuller to travel to Memphis from Georgia at an expense of \$1507.89.

Travel expenses for witnesses are recoverable as costs. *See* 28 U.S.C. § 1920 (costs include disbursements for witnesses). However,

[a] witness who travels by common carrier shall be paid for the actual expenses of travel on the basis of the means of transportation reasonably utilized and the distance necessarily traveled to and from such witness's residence by the shortest practical route in going to and returning from the place of attendance. Such a witness shall utilize a common carrier at the most economical rate reasonably available. A receipt or other evidence of actual cost shall be furnished.

28 U.S.C. § 1821(b).

Defendant has not submitted a receipt for Fuller's travel, although its documentation in support of its bill of costs contains an entry showing a voucher payment for Fuller. Furthermore defendant has not demonstrated that the travel was by means most reasonably utilized and at the most economical rate reasonably available.

Thus, the court disallows costs for Fuller in the amount of \$1,507.90. Accordingly, costs are taxed against plaintiff in the amount of \$1,022.71 and included in the judgment.

IT IS SO ORDERED this 8th day of May, 2009.


UNITED STATES DISTRICT JUDGE