Turner v. Arkansas Children's Hospital Doc. 21

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

JEFFERY D. TURNER,	*	
	*	
Plaintiff,	*	
	*	
vs.	*	No. 4:10CV00746 SWW
	*	
ARKANSAS CHILDREN'S HOSPITAL,	*	
	*	
Defendant.	*	

ORDER

Before the Court is a bill of costs filed by defendant Arkansas Children's Hospital to which plaintiff did not timely respond.

"[C]osts . . . shall be allowed as of course to the prevailing party unless the court otherwise directs." Fed.R.Civ.P. 54(d). The district court has substantial discretion in awarding costs to a prevailing party under 28 U.S.C. § 1920 and Rule 54(d). *Zotos v. Lindbergh School Dist.*, 121 F.3d 356 (8th Cir. 1997). Generally, only two reasons justify denying costs to the prevailing party: (1) misconduct by the prevailing party worthy of a penalty and (2) the losing party's inability to pay. *Congregation of the Passion v. Touche, Ross & Co.*, 854 F.2d 219 (7th Cir. 1988).

Arkansas Children's Hospital seeks costs in the amount of $666.35 for a transcript and $60.44 for copying. The Court finds no reason to deny costs to the defendant in the amount of $726.79.

IT IS THEREFORE ORDERED that Arkansas Children's Hospital's motion for bill of costs [docket entry 20] is granted.

DATED this 2nd day of December, 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

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