

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

HUDSON ENTERPRISES, INC.,
d/b/a River Valley Marina

PLAINTIFF

v.

No. 4:15-cv-12-DPM

CERTAIN UNDERWRITERS AT LLOYD'S
LONDON INSURANCE COMPANIES, Subscribing
to Policy #10NCG01559 and Agreement Numbers
NPPI1011456 and NPPI09112456

DEFENDANT

ORDER

Motion, *No. 60*, denied. The equities overcome the presumption of awarding costs. *Concord Boat Corporation v. Brunswick Corporation*, 309 F.3d 494, 498 (8th Cir. 2002). Hudson Enterprises, a small family business, is broke. The under-seal financial affidavit shows more money going out than coming in and only modest unencumbered assets. *No. 72*. Though not a natural person, Hudson Enterprises is entitled to the Court's evaluation of its finances in considering whether to tax these expenses. And the Underwriters haven't suggested that they'll stumble financially if made to pay their own costs. The Court therefore declines to award any. *Poe v. John Deere Company*, 695 F.2d 1103, 1108 (8th Cir. 1982) (Arnold, J.).

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

18 July 2016