

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

ROSS PARKHURST and AMY PARKHURST,
individually and as next friend of
H.P., a minor child under the age
of eighteen

PLAINTIFFS

v.

Civ. No. 07-2068

CHAD BELT, an individual

DEFENDANT

ORDER

Before the Court is Plaintiffs' Bill of Costs Related to Appeal (Doc. 167). Plaintiffs seek the taxation of costs against Defendant in the amount of \$2,413.71 for the preparation and transmission of the record to the Eighth Circuit Court of Appeals.

Pursuant to Rule 39(a)(2) & (e)(1) of the Federal Rules of Appellate Procedure, costs of the preparation and transmission of the record are taxable against the appellant if the judgment is affirmed. Both parties appealed in this case, however, the Eighth Circuit designated the appeals as Cross-Appeals, and the Parkhursts were charged with preparing and transmitting the record, as they filed their appeal first. On June 9, 2009, the Eighth Circuit affirmed the Court's judgment against Appellant Chad Belt. (Doc. 172-1). On June 25, 2009, the Eighth Circuit affirmed the Court's judgment against Appellants Ross and Amy Parkhurst. (Doc. 174-2).

As this Court's judgments were affirmed against all parties in their respective appeals, the Court finds that the parties should share the costs of preparing and transmitting the record on appeal. Accordingly, the Court finds that Defendant Chad Belt should reimburse Plaintiffs for one-half of such costs or \$1206.86.

IT IS SO ORDERED this 24th day of August, 2009.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge