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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

METROPOLITAN LIFE INSURANCE)
COMPANY,)
)
Plaintiff-in-)
Interpleader,)
)
v.)
)
BAMBI GICANA; and ARACELI)
MALONEY,)
)
Defendants-in-)
Interpleader.)
)
_____)
AND RELATED CROSS AND)
COUNTER CLAIMS)
_____)

CV 16-08317-RSWL-RAO

**Order re: Objection and
Opposition to
Application to the Clerk
to Tax Costs [113]**

Currently before the Court is Defendant-in-
Interpleader Araceli Maloney's ("Maloney") Objection
and Opposition to Application to the Clerk to Tax Costs
("Objection") [113]. Having reviewed all papers
submitted pertaining to this Objection, the Court **NOW**
FINDS AND RULES AS FOLLOWS: the Court **OVERRULES**

1 Maloney's Objection.

2 **I. DISCUSSION**

3 **A. Legal Standard**

4 There is a strong presumption in favor of awarding
5 costs to prevailing parties. Miles v. California, 320
6 F.3d 986, 988 (9th Cir. 2003) (citation omitted). The
7 burden is on the losing party to show why the costs are
8 not recoverable. Stanley v. Univ. of S. Cal., 178 F.3d
9 1069, 1079 (9th Cir. 1999) (citation omitted).

10 Although a court must specify reasons for *not* awarding
11 costs to the prevailing party, it need not give any
12 reason for following the presumption and awarding
13 costs. Save Our Valley v. Sound Transit, 335 F.3d 932,
14 945 (9th Cir. 2003).

15 **B. Analysis**

16 As an initial matter, the Court declines to defer
17 its decision on costs pending resolution of Maloney's
18 appeal. See Apple Inc. v. Samsung Elecs. Co., Ltd.,
19 No. 11-CV-01846-LHK, 2014 WL 4745933, at *4 (N.D. Cal.
20 Sept. 19, 2014) (citing cases). In her Objection,
21 Maloney contends Defendant-in-Interpleader Bambi Gicana
22 ("Gicana") is improperly attempting to tax costs
23 incurred in litigation not before this Court. This
24 argument is unpersuasive. As Gicana points out in her
25 Reply [114], the items underlying the costs led to
26 evidence used in support of Gicana's Motion for Summary
27 Judgment [45] and the Court's related Order [76]. Cf.
28 Indep. Iron Works, Inc. v. U.S. Steel Corp., 322 F.2d

1 656, 678 (9th Cir. 1963) ("If the depositions were
2 merely useful for discovery[,] then they were not
3 taxable items." (citation omitted)). Thus, the Court
4 abides by the strong presumption in favor of awarding
5 Gicana's costs.

6 **II. CONCLUSION**

7 Based on the foregoing, the Court **OVERRULES**
8 Maloney's Objection. The Clerk shall tax Gicana's
9 costs.

10 **IT IS SO ORDERED.**

11
12 DATED: July 11, 2018

s/ RONALD S.W. LEW
HONORABLE RONALD S.W. LEW
Senior U.S. District Judge