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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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GENERAL CHARLES "CHUCK"  
YEAGER, (RET.), and GENERAL  
CHUCK YEAGER FOUNDATION,

NO. CIV. 2:08-102 WBS JFM

Plaintiffs,

v.

ORDER RE: COSTS

CONNIE BOWLIN, ED BOWLIN,  
DAVID MCFARLAND, AVIATION  
AUTOGRAPHS, a non-incorporated  
Georgia business entity,  
BOWLIN & ASSOCIATES, INC., a  
Georgia corporation,  
INTERNATIONAL ASSOCIATION OF  
EAGLES, INC., an Alabama  
corporation, SPALDING  
SERVICES, INC., and DOES 1  
through 100, inclusive,

Defendants.

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On January 6, 2010, the court entered final judgment in this case in favor of defendants pursuant to the court's January 6, 2010 Order. Defendants Connie Bowlin, Ed Bowlin, Bowlin & Associates, Inc., and Aviation Autographs have submitted a cost

1 bill totaling \$8,131.65; plaintiffs have not objected.

2 Rule 54(d)(1) of the Federal Rules of Civil Procedure  
3 and Local Rule 292(f) govern the taxation of costs to losing  
4 parties, which are generally subject to limits set under 28  
5 U.S.C. § 1920. See 28 U.S.C. § 1920 (enumerating taxable costs);  
6 Fed. R. Civ. P. 54(d)(1) (“[C]osts other than attorneys’ fees  
7 shall be allowed as of course to the prevailing party unless the  
8 court otherwise directs . . . .”); E.D. Cal. Local R. 292(f);  
9 Crawford Fitting Co. v. J.T. Gibbons, Inc., 482 U.S. 437, 441  
10 (1987) (limiting taxable costs to those enumerated in § 1920).

11 The court exercises its discretion in determining  
12 whether to allow certain costs. See Amarel v. Connell, 102 F.3d  
13 1494, 1523 (9th Cir. 1997) (holding that the district court has  
14 discretion to determine what constitutes a taxable cost within  
15 the meaning of § 1920); Alflex Corp. v. Underwriters Labs., Inc.,  
16 914 F.2d 175, 177 (9th Cir. 1990) (same). The losing party has  
17 the burden of overcoming the presumption in favor of awarding  
18 costs to the prevailing party. See Russian River Watershed Prot.  
19 Comm. v. City of Santa Rosa, 142 F.3d 1136, 1144 (9th Cir. 1998)  
20 (noting that the presumption “may only be overcome by pointing to  
21 some impropriety on the part of the prevailing party”); Amarel,  
22 102 F.3d at 1523; see also E.D. Local R. 292(d) (“If no objection  
23 is filed, the Clerk shall proceed to tax and enter costs.”).

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1           After reviewing the bill, and in light of the fact that  
2 plaintiffs have not objected, the court finds all costs to be  
3 reasonable. Accordingly, costs of **\$8,131.65** will be allowed.

4           IT IS SO ORDERED.

5 DATED: January 29, 2010

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8           WILLIAM B. SHUBB  
9           UNITED STATES DISTRICT JUDGE  
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