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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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J & J PUMPS, INC., a
California corporation,

NO. CIV. 2:11-599 WBS CMK

Plaintiff,

ORDER RE: COSTS

v.

STAR INSURANCE COMPANY, a
Michigan corporation; and DOES
1 through 10, inclusive,

Defendants.

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On June 9, 2011, the clerk entered final judgment in favor of defendant pursuant to the Court's Order granting defendant's motion to dismiss the Complaint in its entirety. (Docket Nos. 24-25.) Defendant submitted a cost bill totaling \$476.80, (Docket No. 26), to which plaintiff has not filed any objections.

Rule 54(d)(1) of the Federal Rules of Civil Procedure and Local Rule 292 govern the taxation of costs to losing

1 parties, which are generally subject to limits set under 28
2 U.S.C. § 1920. See 28 U.S.C. § 1920 (enumerating taxable costs);
3 Fed. R. Civ. P. 54(d)(1) ("Unless a federal statute, these rules,
4 or a court order provides otherwise, costs--other than attorney's
5 fees--should be allowed to the prevailing party."); Local R.
6 292(f); Crawford Fitting Co. v. J.T. Gibbons, Inc., 482 U.S. 437,
7 441 (1987) (limiting taxable costs to those enumerated in §
8 1920).

9 The court exercises its discretion in determining
10 whether to allow certain costs. See Amarel v. Connell, 102 F.3d
11 1494, 1523 (9th Cir. 1996) (holding that the district court has
12 discretion to determine what constitutes a taxable cost within
13 the meaning of § 1920); Alflex Corp. v. Underwriters Labs., Inc.,
14 914 F.2d 175, 177 (9th Cir. 1990) (same). The losing party has
15 the burden of overcoming the presumption in favor of awarding
16 costs to the prevailing party. See Russian River Watershed Prot.
17 Comm. v. City of Santa Rosa, 142 F.3d 1136, 1144 (9th Cir. 1998)
18 (noting that the presumption "may only be overcome by pointing to
19 some impropriety on the part of the prevailing party"); Amarel,
20 102 F.3d at 1523; see also Local R. 292(d) ("If no objection is
21 filed, the Clerk shall proceed to tax and enter costs.").

22 Plaintiff has not filed any objections. After
23 reviewing the bill of costs, the court finds the following costs
24 to be reasonable:

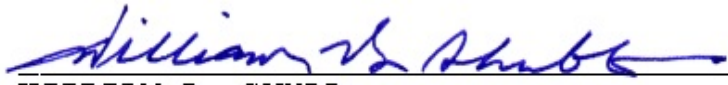
25 Fees of the Clerk:	\$350.00
26 Fees for printed or electronically	
27 recorded transcripts necessarily obtained	
28 for use in the case:	\$18.00

1 Fees for exemplification and the costs
2 of making copies of any materials where
3 the copies are necessarily obtained for
4 use in the case: \$88.80
5 Docket fees under 28 U.S.C. § 1923: \$20.00
6 Total: **\$476.80**

7 Accordingly, costs of **\$476.80** will be allowed.

8 IT IS SO ORDERED.

9 Dated: July 29, 2011

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11 
12 WILLIAM B. SHUBB
13 UNITED STATES DISTRICT JUDGE
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