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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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KELLY KEEHNER,

NO. CIV. 2:11-1954 WBS EFB

Plaintiff,

ORDER RE: COSTS

v.

THE JACKSON LABORATORY, a  
Corporation of unknown origin;  
and DOES 1 through 100,  
inclusive,

Defendant.

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On May 22, the court granted defendant's motion for summary judgment (Docket No. 27), and final judgment was entered in the case. Defendant has submitted a cost bill totaling \$6,295.07. (Docket No. 29.) Plaintiff did not object to defendant's bill of costs.

Rule 54(d)(1) of the Federal Rules of Civil Procedure and Local Rule 292 govern the taxation of costs to losing parties, which are generally subject to limits set under 28

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

8           The court exercises its discretion in determining  
9 whether to allow certain costs. See Amarel v. Connell, 102 F.3d  
10 1494, 1523 (9th Cir. 1997) (holding that the district court has  
11 discretion to determine what constitutes a taxable cost within  
12 the meaning of § 1920); Alflex Corp. v. Underwriters Labs., Inc.,  
13 914 F.2d 175, 177 (9th Cir. 1990) (same). The losing party has  
14 the burden of overcoming the presumption in favor of awarding  
15 costs to the prevailing party. See Russian River Watershed Prot.  
16 Comm. v. City of Santa Rosa, 142 F.3d 1136, 1144 (9th Cir. 1998)  
17 (noting that the presumption "may only be overcome by pointing to  
18 some impropriety on the part of the prevailing party"); Amarel,  
19 102 F.3d at 1523; see also E.D. Local R. 54-292(d) ("If no  
20 objection is filed, the Clerk shall proceed to tax and enter  
21 costs.").

22           After reviewing the bill of costs, and in light of the  
23 fact that plaintiff has not objected, the court finds the  
24 following costs to be reasonable:

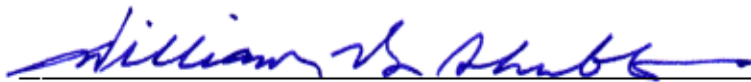
25 Fees of the Clerk:	\$745.00
26 Fees for service of summons and subpoena:	\$545.50
27 Fees for printed or electronically	
28 recorded transcripts necessarily obtained	

1 for use in the case: \$4,525.05  
2 Fees for witnesses: \$80.00  
3 Fees for exemplification and the costs  
4 of making copies of any materials where  
5 the copies are necessarily obtained for  
6 use in the case: \$399.52  
7 **Total** **\$6,295.07**

8 Accordingly, costs of **\$6,295.07** will be allowed.

9 IT IS SO ORDERED.

10 DATED: June 15, 2012

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12 WILLIAM B. SHUBB  
13 UNITED STATES DISTRICT JUDGE  
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