



1 refusal to award costs.” Id. Costs are properly denied when a plaintiff “would be rendered  
2 indigent should she be forced to pay” the amount assessed. Stanley v. Univ. of S. Cal., 178 F.3d  
3 1069, 1080 (9th Cir. 1999). An additional factor that is appropriately considered in determining  
4 whether costs should be awarded is the potential chilling effect that the imposition of high costs  
5 may have on future litigants of modest means. Id.

6 In this case, plaintiff has provided a supplemental affidavit regarding her financial  
7 resources. Plaintiff states, under penalty of perjury, that she receives monthly Social Security  
8 disability benefits in the amount of \$1,334 and has \$2,000 in her bank account. Plaintiff’s  
9 monthly costs of living, including rent, car insurance, transportation costs total approximately  
10 \$850. Plaintiff also has credit card debt in the amount of \$18,000 and is in collection proceedings  
11 relative to that debt. Due to plaintiff’s receipt of disability benefits, it is unlikely plaintiff will  
12 secure employment in the near future. In light of plaintiff’s present debt burden, the court finds  
13 that an award of costs in the amount claimed by defendants would likely render plaintiff indigent.

14 In addition, in pressing her claims under the ADA and FEHA, plaintiff raised significant  
15 legal issues regarding appropriate accommodations and engagement with plaintiff in the  
16 interactive process. Although the court ultimately found that plaintiff had a failure of proof and  
17 summary judgment was granted for defendants, an award of significant costs against plaintiff in  
18 the circumstances presented here could deter other litigants with limited financial resources from  
19 pursuing similar, but meritorious, claims.

20 Accordingly, IT IS HEREBY ORDERED that:

- 21 1. Plaintiff’s objections to defendants’ bill of costs are sustained.
- 22 2. Defendants’ request to recover their costs in this matter is denied.

23 Dated: March 13, 2015

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25 CAROLYN K. DELANEY  
26 UNITED STATES MAGISTRATE JUDGE