

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

No.09-CV 09-4547 NJV

BRUCE REMINGTON,
Plaintiff,

ORDER RE COSTS

v.

JOHN MATHSON, JOY MATHSON,
Defendants.

The Court entered judgment for Defendants on April 3, 2012. Pending before the Court is Defendants' Bill of Costs, filed April 17, 2012. (Docket No. 95.) Plaintiff has filed an opposition to the Bill of Costs. (Docket No. 96.)

The only costs sought by Defendants are those for depositions conducted March 14, 2011, and March 17, 2011. Deposition costs are specifically allowed under 28 U.S.C. § 1920(2) and Rule 54(d)(1), Federal Rules of Civil Procedure. The Court has reviewed Plaintiff's objections to the Bill of Costs and finds them meritless. The Court notes in particular that Defendants' Bill of Costs filed April 17, 2012, was filed fourteen days after the entry of Judgment and was therefore timely. *See* Civil Local Rule 54-1(a); Rule 6(a)(1)(A), Federal Rules of Civil Procedure (day of the event which triggers the period is excluded when computing time).

Defendants request costs for the reporter's attendance at the depositions on March 14, 2011, and March 17, 2011. However, costs for reporter attendance are allowable only if the witness fails to appear. Civil Local Rule 54-3(c). It is undisputed that Plaintiff appeared at the deposition on March 17, 2011. Accordingly, costs for the reporter attendance at that deposition will not be allowed.

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Accordingly, Defendants are HEREBY AWARDED costs in the amount of \$835.10. This award of costs is STAYED pending the outcome of an appeal in this action, or the running of the time for filing a notice of appeal, whichever comes first.

IT IS SO ORDERED.

DATED: June 7, 2012



NANDOR J. VADAS
UNITED STATES MAGISTRATE JUDGE