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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREA GORDON)
)
Plaintiff(s),)
v.)
THE BAY AREA AIR QUALITY)
MANAGEMENT DISTRICT, and)
DOES 1-15, inclusive,)
Defendant(s).)

No. C08-3630 (BZ)

**ORDER DENYING PLAINTIFF'S
MOTION TO TAX COSTS**

After reviewing plaintiff's Motion to Tax Costs and defendant's opposition, the Court finds no need for argument and vacates the hearing scheduled for November 17, 2010. **IT IS ORDERED** as follows:

1) Plaintiff's objection to taxing the cost of a rough draft deposition transcript is **DENIED**. Under 28 U.S.C. 1920(2), transcript costs are allowed if the transcript was "necessarily obtained for use in the case." Federal Practice & Procedure ("FPP") § 2677. Taxing the cost of a rough draft transcript is not prohibited by Civil L.R. 54-3(c)(1). I am satisfied that given the nearness to trial, the rough draft

1 deposition transcript was necessarily obtained for use in this
2 case.

3 2) Plaintiff's objection to taxing the cost of the
4 summary judgment hearing transcript is **DENIED**. Although Civil
5 L.R. 54-3(b)(3) states that costs for reporter transcripts are
6 "not normally allowable" unless approved by the court or
7 stipulated to before incurred, discretion still exists with
8 the court to tax transcripts if equitable considerations
9 apply. FPP § 2677. The cost of a transcript should be taxed
10 if the transcript was "necessarily obtained for use in the
11 case." Id. Once again,

12 I am satisfied that this transcript was necessarily obtained
13 for use in this case, given the request for further briefing.

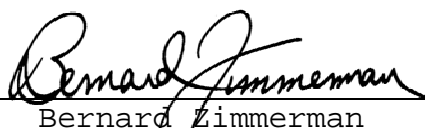
14 3) Plaintiff's objection to the cost of multimedia
15 duplication is **DENIED**. Under Civil L.R. 54-3(d)(2), the
16 taxing of costs for the reproduction of disclosure and formal
17 discovery documents is allowable when used for any purpose in
18 the case. I am satisfied that costs for electronic
19 duplication of the deposition transcript were incurred for its
20 use in this case.

21 4) Plaintiff's objection to the taxing of "handling and
22 holding" costs, as shown in the invoice for deposition
23 transcripts, is **DENIED**. Civil L.R. 54-3(c)(1) specifically
24 allows the taxing of costs for "an original and one copy of
25 any deposition. The "handling and holding" costs, as shown,
26 are part of the cumulative costs associated with procuring the
27 deposition transcript.

28 5) Plaintiff's objection to the taxing of defendant's

1 costs for photocopies is **DENIED**. Costs relating to the
2 reproduction of discovery documents and trial exhibits are
3 specifically allowed under Civil L.R. 54-3(d). Furthermore,
4 the cost of bates-stamping photocopied documents, as an add-on
5 service, is considered part of an approved reproduction
6 expense. Competitive Techs. v. Fujitsu Ltd. 2006 WL 6338914
7 at *8 (N.D. Cal. 2006).

8 Dated: November 2, 2010

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10 _____
11 Bernard Zimmerman
12 United States Magistrate Judge
13

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