

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 KALITTA AIR, LLC,

No. C 96-2494 CW

5 Plaintiff,

ORDER REDUCING
COSTS AWARDED TO
DEFENDANTS ON
REMAND

6 v.

7 CENTRAL TEXAS AIRBORNE SYSTEMS,
8 et al.,

9 Defendants.

10 _____/

11 On December 19, 2013, the Ninth Circuit issued an opinion,
12 affirming in part and reversing in part this Court's December 5,
13 2012 order awarding \$622,036.38 in costs to Defendant Central
14 Texas Airborne Systems (CTAS). The Ninth Circuit remanded the
15 matter for further proceedings. The Court now revises the costs
16 awarded, consistent with the Ninth Circuit's opinion.

17 I. Pro Hac Vice Admission Fees

18 In its December 2012 order, the Court awarded Defendant CTAS
19 \$1,310 in pro hac vice admission fees. The Ninth Circuit held
20 that such fees are not recoverable as costs. Accordingly, the
21 Court reduces the costs awarded by \$1,310.

22 II. Deposition Editing and Synchronization

23 In its December 2012 order, the Court allowed CTAS to recover
24 costs for editing and synchronizing deposition videotapes. The
25 Ninth Circuit held that such costs are not recoverable.

26 CTAS claimed \$34,673.70 for deposition editing. This
27 represented a voluntary thirty percent reduction from the invoice
28 amount of \$49,534.50. In its December 2012 order, the Court found

1 that a fifty percent reduction was more appropriate, and reduced
2 the amount awarded by an additional \$9,906.00 for a total award of
3 \$24,767.70 in costs related to editing deposition videotapes. The
4 Court also allowed CTAS to recover \$12,479.87 for synchronization
5 of the deposition videotapes. Accordingly, the Court will reduce
6 the costs awarded by \$37,247.57.

7 III. Summary of Costs to be Awarded

8 As discussed above, the Court reduces the costs awarded by
9 \$1,310 for pro hac vice admission fees and \$37,247.57 for
10 deposition editing and synchronization. The total reduction is
11 \$38,557.57. Accordingly, the net amount of costs to be awarded is
12 \$583,478.81.

13 IV. Interest

14 Title 28 U.S.C. § 1961(a) provides, "Interest shall be
15 allowed on any money judgment in a civil case recovered in a
16 district court. . . Such interest shall be calculated from the
17 date of the entry of the judgment." Where, as here, the judgment
18 is reduced on appeal, "the district court's determination should
19 be viewed as correct to the extent it was permitted to stand, and
20 interest on a judgment thus partially affirmed should be computed
21 from the date of its initial entry." Perkins v. Standard Oil Co.
22 of Cal., 487 F.2d 672, 676 (9th Cir. 1973). Accordingly, CTAS is
23 entitled to interest on the Court's award of costs. Part of the
24 award was the June 24, 2002 cost award of \$355,370. CTAS is
25 entitled to interest on that amount from the date of the original
26 judgment, June 24, 2002. CTAS is entitled to interest on the
27 remaining amount of \$228,108.81 from December 5, 2012, the date
28 the Court entered judgment on the second cost application.

1 CONCLUSION

2 For the foregoing reasons, the Court awards CTAS \$583,478.81
3 in costs. CTAS is entitled to interest on \$355,370 of that award,
4 calculated from June 24, 2002. CTAS is entitled to interest on
5 the remaining \$228,108.81 from December 5, 2012. Interest shall
6 be calculated according to the rates rules set out in 28 U.S.C.
7 § 1961(a). Kalitta shall pay the costs awarded and the interest
8 due forthwith. CTAS's motion for an expedited determination of
9 costs on remand is DENIED as moot (Docket No. 2290).

10 IT IS SO ORDERED.

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12 Dated: 2/12/2014

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14 CLAUDIA WILKEN
15 United States District Judge
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