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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ALEKSANDR BINKOVICH  
Plaintiff,  
v.  
OFFICER BARTHELMY, et al.,  
Defendants.

Case No. 5:11-cv-03774-PSG  
**ORDER GRANTING MOTION RE  
TAXATION OF COSTS**  
**(Re: Docket No. 97)**

Before the court is a motion from Plaintiff Aleksandr Binkovich to vacate the Clerk's taxation of costs. While his counsel raised objections at the hearing yesterday, Defendant Bruce Barthelmy filed no opposition. After considering the parties' arguments, the court GRANTS Binkovich's motion.


The crux of the dispute is that Binkovich's counsel was a few days late in filing his declaration supporting the costs he seeks in this case and asks the court to consider his tardy declaration. The case law in this area permits the court to consider a declaration that is a few days late.<sup>1</sup> Because Binkovich's late declaration has not prejudiced Defendants and otherwise establishes Binkovich is entitled to the costs he seeks, the court GRANTS Binkovich's motion. Costs shall be taxed against Barthelmy in the amount of \$5,176.97.

<sup>1</sup> See *Walker v. California*, 200 F.3d 624, 626 (9th Cir. 1999); *Rodriguez v. Barrita, Inc.*, Case No. 5:09-cv-04057-RS, 2014 WL 2967925, at \*13 (N.D. Cal. July 1, 2014).

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**IT IS SO ORDERED.**

Dated: August 20, 2014

  
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PAUL S. GREWAL  
United States Magistrate Judge