

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 17-CV-80301-ROSENBERG/REINHART

ROBERT S. LEVIN & JOYCE
V. LEVIN,

Plaintiffs,

v.

PALM BEACH COUNTY, et al.,

Defendants.

ORDER GRANTING DEFENDANTS' MOTION FOR BILL OF COSTS

This matter is before the Court on Defendants' Motion for Bill of Costs [DE 107]. The Motion has been fully briefed.¹ For the reasons set forth below, the Motion is granted.

On November 2, 2017, this Court granted summary judgment in favor of Defendants. Plaintiffs appealed. On September 26, 2018, the appellate court affirmed. Pursuant to Rule 54 of the Federal Rules of Civil Procedure and 28 U.S.C. § 1920, Defendants are entitled to the recovery of their costs defending this action. Defendants seek recovery of filing fees, deposition costs, subpoena costs, and copying fees. Each of these categories of costs is recoverable. *Id.* Defendants seek \$5,331.55 in total, and Defendants' request is supported by detailed documentation.

In response, Plaintiffs argue that costs should not be taxed because of "Defendants purposeful abuse of the discovery process." The Court previously rejected Plaintiffs' argument that Defendants abused the discovery process and the Court's decision has been affirmed on appeal—the Court rejects this argument as unpersuasive. Plaintiffs also argue that costs should not be taxed because they are *pro se*. Even assuming, for the sake of argument, that *pro se* status is a


¹ The Court granted the parties the opportunity to file amended argument or additional argument subsequent to the appellate court's affirmance of this case; no party elected to amend the briefing before the Court.

valid ground to decline to impose costs, Plaintiff Robert Levin is a trained lawyer who has litigated other cases in the past and who works for a company named Landmark Legal Foundation—this argument is rejected as unpersuasive. Finally, Plaintiffs argue that certain costs were not incurred by Defendants for the purpose of litigation. The Court does not agree for all of the reasons set forth in Defendants’ Reply—Defendants’ costs were necessary and were incurred for the purpose of litigating this action.

For the foregoing reasons, it is **ORDERED AND ADJUDGED** that Defendants’ Motion for Bill of Costs [DE 114] is **GRANTED** and Defendants are awarded **\$5,331.55** in costs.

DONE and ORDERED in Chambers, West Palm Beach, Florida, this 14th day of December, 2018.

Copies furnished to Counsel of Record


ROBIN L. ROSENBERG
UNITED STATES DISTRICT JUDGE