

IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
SPRINGFIELD DIVISION

SUSAN STEVENS, )

Plaintiff, )

v. )

No. 11-3162

DEWITT COUNTY, ILLINOIS; )

KATHY WEISS, in her official )

and individual capacities; )

ANDREW KILLIAN, in his )

official and individual capacities; )

RYAN BUEHNERKEMPER, in )

his official and individual )

capacities; and DICK KORITZ, )

in his official and individual )

capacities, )

Defendants. )

OPINION

SUE E. MYERSCOUGH, U.S. District Judge:

This cause is before the Court on Defendant Ryan

Buehnerkemper's Motion to Reconsider Reasonableness of Costs (d/e 92)

and Defendant Kathy Weiss's Motion for Leave to Join Defendant Ryan

Buehnerkemper's Motion to Reconsider Reasonableness of Costs (d/e 93). The Motions are GRANTED.

## I. BACKGROUND AND ANALYSIS

On October 17, 2013, this Court granted Plaintiff's Objections to Defendants' Bill of Costs in part. The Court found that Defendants were entitled to costs, the expenses sought were allowable, and that the expenses were necessarily incurred. The Court held, however, that the expenses sought for copies of the deposition transcripts were not reasonable because the rates exceeded the rate set by the Judicial Conference of the United States, which is \$.90 per page for the first copy of a transcript to each party.

This Court's local rule provides that the transcript fees are established by the Judicial Conference of the United States. CDIL-LR 83.9 (ostensibly referring to the Court's court reporter). Further, this district has previously accepted the Judicial Conference rates as reasonable. Aebischer v. Stryker Corp., 2007 WL 1668065, at \*5 (C.D. Ill. 2007). Therefore, the Court applied the Judicial Conference rates and reduced Defendant Buehnerkemper's costs to \$1,479.95 and

reduced the costs of Defendants Weiss, DeWitt County, Andrew Killian, and Dick Koritz (the DeWitt County Defendants) to \$1,254.30.

Defendants Buehnerkemper filed a Motion to Reconsider, that Defendant Weiss seeks leave to join. Defendant Weiss is granted leave to join Defendant Buehnerkemper's Motion to Reconsider.

Defendants argue that the costs for copies of deposition transcripts were reasonable under the circumstances of this case because Plaintiff arranged and deposed seven of the eight individuals. Plaintiff chose the court reporters for the depositions she noticed, and Defendants had no choice but to order copies from the court reporters selected by Plaintiff.

The argument is well-taken. Several district court cases have held that a party should recover the actual cost of the deposition transcripts where the losing party chose the court reporter. See Halasa v. ITT Educational Servs., Inc., 2012 WL 639520, at \*4 (S.D. Ind. Feb. 27, 2012), aff'd 690 F.3d 844 (7th Cir. 2012); Gyrion v. City of Chicago, 454 F. Supp. 2d 725, 726 (N.D. Ill. 2006); Engate, Inc. v. Esquire Deposition Servs., LLC, 2006 WL 695650, at \*3 (N.D. Ill. March 13, 2006).

Therefore, Defendant Buehnerkemper is entitled to costs in the amount of \$2,543.45. The rate charged to Defendant Buehnerkemper for the original of Plaintiff's deposition transcript was less than the rate provided by the Judicial Conference, even when factoring in the \$30 attendance fee.

Defendant Weiss is entitled to costs in the amount of \$2,366.70. This reflects a deduction of \$123.25 for the copy of Plaintiff's deposition transcript. Defendant Buehnerkemper arranged Plaintiff's deposition. Therefore, the reasoning of the cases cited above does not apply.

## II. CONCLUSION

Defendant Ryan Buehnerkemper's Motion to Reconsider Reasonableness of Costs (d/e 92) and Defendant Kathy Weiss's Motion for Leave to Join Defendant Ryan Buehnerkemper's Motion to Reconsider Reasonableness of Costs (d/e 93) are GRANTED. The Clerk of the Court is DIRECTED to amend the Judgment to reflect that Defendant Buehnerkemper is awarded costs in the amount of \$2,543.45 and Defendant Weiss is awarded costs in the amount of \$2,366.70.

ENTER: November 21, 2013

FOR THE COURT:

s/Sue E Myerscough  
SUE E. MYERSCOUGH  
UNITED STATES DISTRICT JUDGE