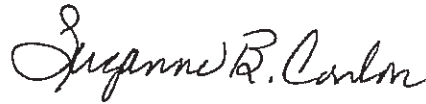


United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Suzanne B. Conlon	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	09 C 4878	DATE	8/10/2010
CASE TITLE	WILLIAM N. HACKETT v. CONTINENTAL AIR TRANSPORT CO., INC.		

DOCKET ENTRY TEXT

Defendant's bill of costs [72] is granted in part. Defendant is awarded \$162.90 in costs. Plaintiff's *pro se* motions for "leave to file supplement to memorandum opinion and order" [76] and for dismissal of counsel's withdrawal motion [77] are denied. SEE BELOW FOR DETAILS.



■ [For further details see text below.]

Notices mailed by Judicial staff.

STATEMENT

William N. Hackett sued his former employer Continental Air Transport Co., Inc. ("Continental") under the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.* On June 15, 2010, the court granted summary judgment to Continental. *See* Dkt. Nos. 65-67. Continental now seeks costs of \$2,967.12 pursuant to Federal Rule of Civil Procedure 54(d)(1) and 28 U.S.C. § 1920.

There is a presumption that prevailing parties are entitled to an award of costs, as permitted by statute. *Beamon v. Marshall & Ilsley Trust Co.*, 411 F.3d 854, 864 (7th Cir. 2005); Fed. R. Civ. P. 54(d). Although Hackett raised no objections, the court must carefully scrutinize Continental's petition for costs. *Young v. City of Chicago*, No. 00 C 4478, 2002 WL 31118328, at *1 (N.D. Ill. Sept. 24, 2002) (Leinenweber, J.). The court must determine that each item requested is recoverable under § 1920 and that the amounts are reasonable and necessary to the litigation. *Majeske v. City of Chicago*, 218 F.3d 816, 824 (7th Cir. 2000).

Continental requests \$2,967.12 for costs associated with deposition transcripts obtained for use in the case. While transcript costs are recoverable under § 1920(2), fees are limited to the page rates set by the Judicial Conference of the United States. The \$2.80 page rate for a copy of Moss Nayeb's deposition exceeds the permissible page rate for transcript copies – \$0.90 per page. Gen. Order, N.D. Ill., http://10.205.15/104/CLERKS_OFFICE/CrtReporter/trnsrpt.htm (updated Oct. 29, 2007). The page rate is reduced to \$0.90 per page and Continental is awarded \$155.70 for Nayeb's 173-page deposition. The copying cost for Nayeb's deposition exhibits is reduced from \$0.25 to \$0.20 per page for a total of \$7.20. *See Kaplan v. City of Chicago*, No. 05 C 2001, 2009 WL 1940789, at *4 (N.D. Ill. July 6, 2009) (Leinenweber, J.) (costs of \$0.10 to \$0.20 per page are reasonable).

Courtroom Deputy
Initials:

air

STATEMENT

The remainder of Continental's transcript costs are denied. Shipping and handling costs are ordinary business expenses and not recoverable. *Bogan v. City of Chicago*, No. 09 C 3852, *2 (N.D. Ill. June 28, 2010) (Kennelly, J.). The \$347.10 paid to Metro Reporting Services, Ltd. is denied because the court is unable to discern from the supporting documentation whether the fees are reasonable. It is unclear if the costs relate to transcript copies or court reporter attendance fees, and the invoices do not specify the associated hourly rates or page rates. Continental's costs of \$1,640.05 for a notary public, a word index, e-transcripts, ASCII expenses, and online exhibits are denied because Continental does not explain why these items were reasonably necessary to the litigation. *Autozone, Inc. v. Strick*, No. 03 C 8152, 2010 WL 2365523, *2 (N.D. Ill. June 9, 2010) (Darrah, J.); *Pruitt v. City of Chicago*, No. 03 C 2877, 2005 WL 2483355, *2 (N.D. Ill. Oct. 5, 2005) (Der-Yeghiayan, J.); *Young v. City of Chicago*, No. 00 C 4478, 2002 WL 31118328, *1 (N.D. Ill. Sept. 24, 2002) (Leinenweber, J.).

Suzanne R. Carlson