

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACQUELINE MINION,

Plaintiff,

Case No. 12-12128

v.

Hon. John Corbett O'Meara

EXEL, INC., *et al.*,

Defendants.

**ORDER GRANTING IN PART DEFENDANT'S MOTION
FOR REVIEW OF CLERK'S DENIAL OF COSTS**

Before the court is Defendant Exel, Inc.'s motion for review of the clerk's denial of costs, filed May 27, 2014. Plaintiff filed a response on June 10, 2014.

Defendant seeks costs as the prevailing party pursuant to Federal Rule of Civil Procedure 54(d). Defendant submitted a bill of costs to the Clerk of the Court on May 19, 2014. Because Defendant did not attach supporting invoices, the clerk denied all costs. Defendant submitted an amended bill of costs in the amount of \$6,192.96.

"Unless a federal statute, these rules, or a court order provides otherwise, costs . . . should be allowed to the prevailing party." Fed. R. Civ. P. 54(d).

Taxable costs, such as fees for transcripts and witnesses, are set forth in 28 U.S.C.

§ 1920. Defendant seeks costs for the transcripts of the depositions of Jacqueline Minion, Dave Streber, Dennis Bryant, Dave Cavender, Tom VanNocker.

Defendant also seeks costs for the video deposition of Minion, and a Michigan Circuit Court hearing. Portions of the transcripts of the Minion, Streber, Cavender, and VanNocker depositions and the Circuit Court hearing were used in support of Defendant's motion for summary judgment and were "necessarily obtained for use in the case." 28 U.S.C. § 1920(2). The cost of videotaping Minion's deposition is also taxable. See BDT Prods. Inc., 405 F.3d 415, 420 (6th Cir. 2005); Tilton v. Capital Cities/ABC, Inc., 115 F.3d 1471, 1477-79 (10th Cir. 1997). Defendant has not, however, demonstrated that the Bryant transcript was necessarily obtained for use in this case. Accordingly, the court will not tax costs for the Bryant transcript (\$148.80).

IT IS HEREBY ORDERED that Defendant's motion for the review of the clerk's denial of costs is GRANTED IN PART and DENIED IN PART, consistent with this order. Defendant is awarded costs in the amount of \$6,044.16.

s/John Corbett O'Meara
United States District Judge

Date: July 31, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, July 31, 2014, using the ECF system.

s/William Barkholz
Case Manager