IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

BURNETTE AVAKIAN **PLAINTIFF**

V. **CIVIL ACTION NO. 1:12-CV-139-SA-DAS**

CITIBANK, N.A. **DEFENDANT**

ORDER

Following a verdict in her favor, Plaintiff Burnette Avakian filed a Bill of Costs [92], in response to which, Defendant Citibank, N.A. filed an Objection [93]. Citibank's only ground for objecting to the Bill of Costs is that Plaintiff failed to specifically request costs in her Complaint or at any other time prior to the filing of the Bill of Costs. However, as Plaintiff correctly argues in response, Federal Rule of Civil Procedure 54(d)(1) provides that "[u]nless a federal statute, these rules, or a court order provides otherwise, costs--other than attorney's fees--should be allowed to the prevailing party." Whereas "a claim for attorney's fees … must be made by motion …." FED. R. CIV. P. 54(d)(2)(A), no such requirement is placed on costs taxable pursuant to 28 U.S.C. § 1920. In the case at bar, Plaintiff's Bill of Costs includes Clerk's fees and fees for printed or electronically recorded transcripts, totaling $561.35. These itemized costs are enumerated and allowed under 28 U.S.C. § 1920(1) and 28 U.S.C. § 1920(2), respectively.

Citibank offers no authority for its position that Plaintiff, as the prevailing party, must request costs in order to be awarded them under Rule 54(d)(1). Accordingly, Citibank's Objection to the Bill of Costs [93] is OVERRULED.

SO ORDERED, this the 24th day of February, 2014.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE