

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

COPPER SANDS HOMEOWNERS ASSOCIATION, INC., et al.,
Plaintiffs,
vs.
COPPER SANDS REALTY, LLC, et al.,
Defendants.

Case No.: 2:10-cv-00510-GMN-NJK

ORDER

Pending before the Court is the Motion for Re-Taxation of Costs (ECF No. 877) filed by Defendant DFT, Inc. dba The Cannon Management Company ("Defendant"). Plaintiff Copper Sands Homeowners Association, Inc. ("Plaintiff") filed a Response (ECF No. 879), and Defendant filed a Reply (ECF No. 882). Also pending before the Court is Plaintiff's Motion to Extend Time to File a Motion to Retax Costs (ECF No. 878), to which Defendant filed a Response (ECF No. 881).

Federal Rule of Civil Procedure 54 provides for costs as follows:

(1) Costs Other Than Attorney's Fees. Unless a federal statute, these rules, or a court order provides otherwise, costs—other than attorney's fees—should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 days' notice. On motion served within the next 7 days, the court may review the clerk's action.

Fed. R. Civ. P. 54(d)(1) (emphasis added). In conjunction with this rule, the District of Nevada Local Rules state: "Any motion to retax costs shall be filed and served within seven (7) days after receipt of the notice." (D. Nev. LR 54-14).¹

¹ The District of Nevada Local Rules were amended on May 1, 2016. (See General Order 2016-01 (D. Nev. 2016)). Because both the Clerk's Memorandum regarding Taxation of Costs and the instant motions were all

1 Here, on February 12, 2016, Defendant timely filed a Verified Memorandum of Costs.
2 (ECF No. 860). On March 2, 2016, Plaintiff filed an Objection to Defendant's costs and
3 Motion to Retax and Settle Costs. (ECF No. 864-65). Defendant filed a Reply in support of its
4 costs (ECF No. 870) and a Response to Plaintiff's Motion to Retax and Settle Costs (ECF
5 No. 871). Plaintiff then filed a Reply supporting its Motion to Retax and Settle Costs. (ECF
6 No. 873).

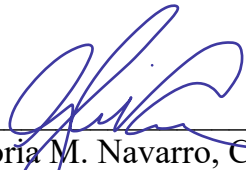
7 On March 31, 2016, the Clerk filed a Memorandum regarding Taxation of Costs and
8 taxed costs for Defendant in the amount of \$53,537.65. (ECF No. 874). Eleven days later, on
9 April 11, 2016, Defendant filed its motion requesting re-taxation of costs. (ECF No. 877).
10 Then, on April 14, 2016, fourteen days after the Clerk taxed the costs in this case, Plaintiff filed
11 its motion to extend time regarding re-taxation of costs. (ECF No. 878).

12 The Court finds that both of the instant motions were untimely filed. Both the Federal
13 Rules of Civil Procedure and the District of Nevada Local Rules clearly provide a seven-day
14 deadline to file a motion to re-tax costs. Fed. R. Civ. P. 54(d)(1); (D. Nev. LR 54-14). These
15 motions were filed beyond that deadline.² As such, the Court denies both motions as untimely.

16 Accordingly,

17 **IT IS HEREBY ORDERED** that Defendant's Motion for Re-Taxation of Costs (ECF
18 No. 877) and Plaintiff's Motion to Extend Time to File a Motion to Retax Costs (ECF No. 878)
19 are **DENIED**.

20 **DATED** this 22 day of March, 2017.

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Gloria M. Navarro, Chief Judge
United States District Court

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filed prior to this date, the Court will apply the prior version of the District of Nevada Local Rules, dated August 1, 2011. (See General Order 2011-02 (D. Nev. 2011)). However, this deadline is the same in both versions.

² The fact that Plaintiff's request is a motion to extend time is insufficient as it was untimely when filed.