

As to the copying costs, Plaintiff objects that Defendants did not cite the records which they copied in their summary judgment briefs. Section 1920(4) requires only “use in the case,” not “obvious use in the case.” This objection is denied. As to the costs of transcriptions, Plaintiff objects that that the transcripts were neither requested by the Court nor used at trial, as there was no trial. Again, section 1920(2) requires only “use in the case,” not “obvious use in the case.” This objection is denied. As to the costs of service, Plaintiff objects that that the costs of service of a subpoena to Plaintiff’s employer’s former payroll servicer ADP for Plaintiff’s paid time off records cannot be a necessary cost. As Defendants explained in reply, because the employer no longer used ADP’s services at the time the records were sought, ADP refused to supply the records without a subpoena. This objection is denied. Defendants’ motion is granted in its entirety.

For these reasons,

IT IS on this 6th day of April, 2021

ORDERED that Defendants’ motion for entry of an Order taxing costs against Plaintiff Daniel Conway (Docket Entry No. 40) is **GRANTED**, and costs are taxed against Plaintiff in the amount of \$2,678.43.

s/ Stanley R. Chesler
STANLEY R. CHESLER, U.S.D.J.