

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

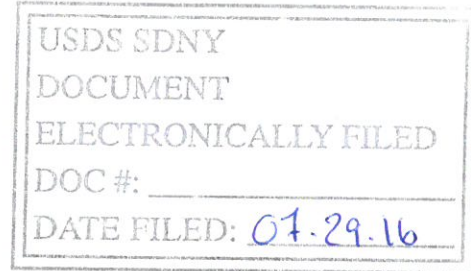
CAPITOL RECORDS LLC,

Plaintiff,

-v-

REDIGI INC., *et al.*,

Defendants.



No. 12-cv-95 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

On July 25, 2016, the Court granted the motion to withdraw as counsel of Mishcon de Reya New York LLP (“Mishcon de Reya”) and imposed a retaining lien in light of Defendants’ failure to pay their counsel. (Doc. No. 255.) The Court also ordered Mishcon de Reya to file a supplementary submission regarding the amount owed by Defendants. (*Id.*) Now before the Court is a letter from Mishcon de Reya, with a receipt attached, indicating that the firm is only seeking reimbursement for costs incurred with a third-party vendor. (Doc. No. 257.) Having reviewed Mishcon de Reya’s submission, the Court finds that the costs incurred are reasonable.


Generally, costs are defined as “[i]dentifiable, out-of-pocket expenses,” but not “non-recoverable, routine office overhead.” *Kuzma v. I.R.S.*, 821 F.2d 930, 933–34 (2d Cir. 1987); *see also Settlement Funding, LLC v. AXA Equitable Life Ins. Co.*, No. 09-cv-8685 (HB), 2011 WL 2848644 (S.D.N.Y. July 18, 2011) (allowing costs for trial graphics and video deposition); *Bellifemine v. Sanofi-Aventis U.S. LLC*, No. 07-cv-2207 (JGK), 2010 WL 3119374, at *7 (S.D.N.Y. Aug. 6, 2010) (awarding costs for filing fees, expert witnesses, electronic discovery services, copies, mailing, and travel). Here, Mishcon de Reya seeks to recover \$5,266.12 in costs spent on making copies and assembling trial exhibits and other documents in preparation

for the anticipated trial in this matter. The Court finds that such costs are reasonable and accordingly concludes that the retaining lien shall remain in place until payment for these costs is made by Defendants or such security is posted.

Accordingly, IT IS HEREBY ORDERED THAT Mishcon de Reya shall not have an obligation to turn over any files the firm has retained in this matter until the payment of the \$5,266.12 in costs or the posting of a security to cover such payment.

SO ORDERED.

Dated: July 29, 2016
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE