

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PREETPAL GREWAL,

Plaintiff,

v.

CUNEO GILBERT & LADUCA LLP,

Defendant.

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 6/3/2020

13-CV-6836 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On February 25, 2020, the Second Circuit issued a summary order affirming this Court's judgment, *see* No. 19-448, Dkt. 216-1, and on April 8, 2020, the Circuit issued its Mandate, *see* No. 13-cv-6836, Dkt. 310. On April 23, 2020, Defendant filed a Bill of Costs. *See* Dkt. 311. As reflected on the docket, Defendant's Bill of Costs was rejected that same day due to errors with the filing, and a "Notice to Attorney to Re-File Document" was issued. The Court subsequently ordered Defendant to "re-file its Bill of Costs in accordance with the Local Rules and the guidelines detailed on the docket" no later than May 15, 2020. *See* Dkt. 312. In that Order, the Court also noted that Defendant's initial April 23, 2020 filing was timely in light of the Second Circuit's April 8, 2020 Mandate. *See id.* at 1. On May 11, 2020, Defendant re-filed its "Notice of Application for Costs," *see* Dkt. 315, along with an "Affidavit of R. Michael Smith in Support of Bill of Costs," *see* Dkt. 315-1, seeking an award of \$6,639.60 total in costs, to be taxed on June 15, 2020. Plaintiff has filed a series of objections to the Bill of Costs, both before and after Defendant re-filed its documents on May 11th. *See* Dkts. 313-314 (May 7, 2020 Objections), 317-319 (May 18, 2020 objections). Defendant filed a response to Plaintiff's objections on May 13, 2020. *See* Dkt. 316.

The Court accepts Defendant's submissions at Dkts. 311 and 315 together as a properly filed and timely Bill of Costs. *See Caravalho v. City of New York*, No. 13-CV-4174 (PKC), 2018

WL 5312886, at *2 n.3 (S.D.N.Y. Oct. 26, 2018) (noting that “counting the thirty-day filing for taxation of costs from the date an appellate mandate is entered on the district court’s docket sheet . . . is consistent with precedent in this Circuit”); *see also Howell v. NYC Leadership Acad., Inc.*, No. 05 Civ. 8233 (JGK), 2008 WL 5336891, at *3 (S.D.N.Y. Dec. 20, 2008) (concluding that “sound discretion advises against denying the motion for costs or declining to hear it based on the defendant’s procedural errors,” and thus “overlook[ing] the moving party’s noncompliance with the procedural requirements of Local Rule 54.1”).

The Clerk of Court is respectfully directed to tax the Bill of Costs based on Dkts. 311 and 315, and to consider Plaintiff’s objections filed at Dkts. 313-314 and 317-319 when doing so. Pursuant to Fed. R. Civ. P. 54(d)(1), either party may appeal the Clerk of Court’s taxation of costs within seven days of the Clerk’s decision. *See Ramos v. City of New York*, No. 15 Civ. 6085 (ER), 2019 WL 3254964, at *2 (S.D.N.Y. July 21, 2019) (“If the Clerk of Court taxes costs against a non-prevailing party, that party has seven days to appeal the Clerk’s decision to the Court.”); *see also Endo Pharms. Inc. v. Amneal Pharms., LLC*, 331 F.R.D. 575, 578 (S.D.N.Y. 2019) (explaining that, “once the Clerk has [taxed a prevailing party’s costs], either party may move for the court to review the Clerk’s decision on costs,” and that upon such a motion, “[a] district court reviews the clerk’s taxation of costs by exercising its own discretion to decide the cost question itself”).

Defendant shall serve a copy of this Order on Plaintiff and file proof of service on the docket.

SO ORDERED.

Dated: June 3, 2020
New York, New York



RONNIE ABRAMS
United States District Judge