

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:10-cv-00029-D

ROC F. SANSOTTA, *individually and as Trustee*)
and Executor of the Estate of Father Joseph Klaus,)
RALPH S. TOMITA, GLORIA H. TOMITA,)
CAROLE A. SHACKLEFORD, JAMES)
BREGMAN, LINDA ATSUS, and GEORGE D.)
RUSIN,)
)
Plaintiffs,)
)
v.) **ORDER ON BILL OF COSTS**
)
)
TOWN OF NAGS HEAD, N.C.,)
)
Defendant.)

On March 28, 2012, the court granted in part defendant's motion for summary judgment [D.E. 137], and judgment was entered in favor of defendant [D.E. 138]. On April 11, 2012, defendant filed a motion for bill of costs [D.E. 139]. The plaintiffs did not respond, and the matter is now ripe for determination.

Defendant seeks \$1,406.80 in costs under Rule 54(d)(1) of the Federal Rules of Civil Procedure and Local Civil Rule 54.1 as the prevailing party in this action. See Fed. R. Civ. P. 54(d)(1) ("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."). Federal courts may assess only those costs specified in 28 U.S.C. § 1920. See *Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy*, 548 U.S. 291, 301 (2006); *Crawford Fitting Co. v. J.T. Gibbons, Inc.*, 482 U.S. 437, 441-42 (1987).

A. Fees of the Clerk

Defendant seeks \$350.00 for the filing fee cost incurred in removing this action from state

court. The prevailing party may recover fees of the clerk as taxable costs. See 28 U.S.C. § 1920(1). Accordingly, defendant is awarded \$350.00 in filing fee costs.

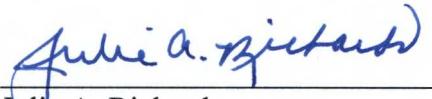
B. Fees for Transcripts

Defendant seeks \$1,056.80 in deposition transcript costs. "Fees for printed or electronically recorded transcripts necessarily obtained for use in the case" may be taxed as costs. 28 U.S.C. § 1920(2). Normally, multiple copies of deposition transcripts are not taxed. See Local Civil Rule 54.1(c)(2)(b); Farrar & Farrar Dairy, Inc. v. Miller-St. Nazianz, Inc., No. 5:06-CV-160-D, 2012 WL 776945, at *5 (E.D.N.C. Mar. 8, 2012) (disallowing costs for a copy of a deposition transcript in addition to the original). Defendant seeks only the cost of the original transcript and not the cost of the additional copy. Accordingly, defendant is awarded \$1,056.80 in deposition transcript costs.

CONCLUSION

In summary, as the prevailing party and pursuant to 28 U.S.C. § 1920, the defendant is awarded \$350.00 in filing fee costs and \$1,056.80 in transcript costs. Total costs in the amount of \$1,406.80 are taxed against plaintiffs and shall be included in the judgment.

SO ORDERED. This 25th day of January 2013.



Julie A. Richards
Clerk of Court