

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:14-CV-129-D

SHONTAY HOUSE and MARY VEGA,)

Plaintiffs,)

v.)

FEDERAL HOME LOAN MORTGAGE)
CORPORATION, BROCK & SCOTT,)
PLLC,)

Defendants.)

ORDER ON BILL OF COSTS

This matter is before the clerk on the amended motion for bill of costs [DE-45] filed by defendants Federal Home Loan Mortgage Corporation and Brock & Scott, PLLC. Plaintiffs failed to file any objections or a motion for disallowance of costs, and the time for doing so has expired. See Local Civil Rule 54.1(b)(1). The matter is therefore ripe for determination. For the reasons set forth below, the amended motion for bill of costs is granted.

BACKGROUND

On September 28, 2016, the court granted defendants' motion for summary judgment, denied plaintiff's motion for partial summary judgment, and entered judgment in favor of defendants [DE-39]. Defendants timely filed a motion for bill of costs [DE-40] on October 12, 2016.

Defendants sought, *inter alia*, costs associated with deposition transcripts pursuant to 28 U.S.C. § 1920. The clerk found that the transcripts were necessarily obtained for use in the case, but also found that the costs sought by defendants included charges for items not encompassed within § 1920 and Local Civil Rule 54.1, including charges for shipping and handling, exhibit

copies, witness signature letters, and expedited processing. The clerk also noted that the invoices for the depositions also included charges for “Original/Copy” of the deposition transcript, while Local Civil Rule 54.1(c)(1)(a) specifies that allowable costs normally only include the charge for the original transcript of the deposition. Accordingly, the clerk denied defendants’ motion for bill of costs as to the deposition transcripts, without prejudice to defendants to reapply for the costs of the original transcripts within 14 days.

Defendants timely filed the amended motion for bill of costs. No opposition or motion for disallowance was filed.

DISCUSSION

As the prevailing parties in this action, defendants seek recovery of \$2,372.25 in deposition costs under Rule 54(d)(1). 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.”); 28 U.S.C. § 1920(2) (denominating as allowable the costs the “[f]ees for printed or electronically recorded transcripts necessarily obtained for use in the case”).

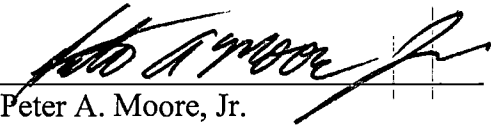
Defendants’ amended motion for bill of costs now excludes fees for shipping and handling, exhibit copies, witness signature letters, and expedited processing. Defendants also state in the motion that the requested rate per page was for the original transcript, implicitly suggesting that the requested costs did not include charges for copies of the deposition transcript.

The clerk again finds that the depositions were necessarily obtained for use in the case. Having reviewed the amended motion, the declaration of counsel, and attached invoices, the clerk GRANTS the amended motion for bill of costs [DE-45] and defendants are awarded \$2,372.25 in deposition costs pursuant to 28 U.S.C. § 1920(2).

CONCLUSION

In summary, as prevailing parties defendants Federal Home Loan Mortgage Corporation and Brock & Scott, PLLC are awarded \$2,372.25 in costs pursuant to 28 U.S.C. § 1920(2) and these costs are taxed against plaintiffs and shall be included in the judgment.

SO ORDERED. This the 15 day of August, 2017.


Peter A. Moore, Jr.
Clerk of Court