

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:09-CV-00411-BR

CHRISTOPHER EUGENE BUCKNER, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 UNITED PARCEL SERVICE, INC., )  
 )  
 Defendant. )

**ORDER**

This matter is before the Court on defendant’s bill of costs [D.E. 90], to which plaintiff filed no response. Defendant, in response to a January 11, 2013 order [D.E. 100], has supplemented its bill of costs [D.E. 101]. The matter is now ripe for determination.

On May 7, 2012, the court granted defendant’s motion for summary judgment [D.E. 88], and judgment was entered in favor of defendant [D.E.89]. Defendant timely filed a motion for bill of costs seeking deposition transcript and copy costs and has submitted in support of its request a memorandum of law [D.E. 90-1], an affidavit [D.E. 90-2], and a copy of the deposition transcript invoice [D.E. 101].

**A. Fees for Transcripts**

Defendant seeks \$943.85 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). Here, the \$85.00 attendance fee, \$100.00 administration fee, and \$651.75 fee for the original transcript, which included a complimentary copy, are allowable costs. However, the \$72.10 fee for exhibit copies, \$15.00 document repository fee, and \$ 20.00 delivery fee are not taxable. See Nwaebube v. Employment Sec. Comm'n of N.C., No. 5:09-CV-395-F, 2012 WL 3643667, at \*1 (E.D.N.C. Aug. 21, 2012) (disallowing costs of deposition transcript exhibits and postage fees); Local Civil Rule 54.1(c)(1)(a) (“[C]osts incident to the taking of depositions . . . normally include only the reporter’s fee and charge for the original transcript of the deposition[.]”). Accordingly, defendant is awarded \$836.75 in transcript fees.

#### **B. Copy Fees**

Defendant seeks \$76.23 in copy costs, which is comprised of 693 copies at \$0.11 per copy. “Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case” may be taxed as costs. 28 U.S.C. § 1920(4). “The concept of necessity for use in the case connotes something more than convenience . . . .” Har-Tzion v. Waves Surf & Sport, Inc., No. 7:08-CV-137-D, 2011 WL 3421323, at \* 3 (E.D.N.C. Aug. 4, 2011) (quoting Cherry v. Champion Int’l Corp., 186 F.3d 442, 449 (4th Cir.1999)). “Copying costs are allowable if used as court exhibits, or if furnished to the court or opposing counsel.” PCS Phosphate Co., Inc. v. Norfolk S. Corp., No. 4:05-CV-55-D, 2008 WL 1901941, at \*1 (E.D.N.C. Apr. 29, 2008) (citing Bd. of Dirs., Water’s Edge v. Anden Group, 135 F.R.D. 129, 138-39 (E.D.Va. 1991)). The cost of copies made solely for the convenience of counsel are generally not taxable under § 1920(4). Fells v. Virginia Dept. of Transp., 605 F. Supp. 2d 740, 743 (E.D. Va. 2009) (citing Thomas v. Treasury Mgmt. Ass’n, Inc., 158 F.R.D. 364, 372 (D. Md. 1994)).

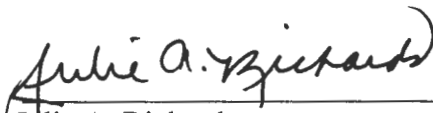
Defendant identified the requested copies with the legal activity, and counsel declared under

penalty of perjury that the requested costs were necessary to the defense of the case. See Decl. of Kimberly Fogarty [D.E. 90-2]. Having reviewed the itemized copy costs, the undersigned finds that it would be inappropriate to tax plaintiff with the cost associated with defendant's motion to correct its e-filing error (88 copies) and the correction of the error (46 copies) and will disallow copy costs of \$14.74. With respect to the remaining copy costs, defendant has satisfied its burden under § 1920(4), and is awarded \$61.49 in copy costs.

### CONCLUSION

In summary, as the prevailing party and pursuant to 28 U.S.C. § 1920, defendant is awarded \$836.75 in transcript costs and \$61.49 in copy costs. Total costs in the amount of \$898.24 are taxed against plaintiff and shall be included in the judgment.

SO ORDERED. This 18<sup>th</sup> day of January 2013.

  
\_\_\_\_\_  
Julie A. Richards  
Clerk of Court