

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Joey White,)	C/A: 3:09-2705-JFA
)	
Plaintiff,)	
vs.)	ORDER
)	
Andersen Distribution, Inc.,)	
)	
Defendant.)	

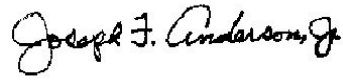
After its motion for summary judgment was granted, the defendant, Andersen Distribution, Inc., filed a motion for costs as the prevailing party in this action. The plaintiff has filed an opposition to the costs being taxed, suggesting that his financial situation compels the conclusion that no costs should be awarded in this case. He then cites Federal Rule of Civil Procedure 54(d)(1) which provides that costs “should be allowed to the prevailing party.”

The Bill of Costs in this action reveals that the costs total \$1,247.83, consisting of \$87.23 copying costs, and \$1,160.60 for the plaintiff’s video deposition. The court has reviewed the record and it notes in this action and has conferred with its law clerk regarding the extent to which the plaintiff’s deposition played a part in the resolution of this case. It has been this court’s practice in the past to deny, at least in part, a motion for costs where depositions were not used or were used only to a very limited extent. In this case, however, both this court and its law clerk made extensive use of the plaintiff’s deposition in deciding

the issue presented in the defendant's summary judgment motion. Accordingly, the plaintiff's objection to the Bill of Costs is overruled and the Clerk is hereby authorized tax costs in the full amount sought.

IT IS SO ORDERED.

October 27, 2011
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge