

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

JOYCE E. ROWLEY,)
)
Plaintiff,)
)
vs.)
)
CITY OF NORTH MYRTLE BEACH,)
and JOHN SMITHSON, City Manager;)
JOEL DAVIS, Assistant City Manager;)
KEVIN BLAYTON, Public Works)
Director, individually and in their)
representative capacities as employees)
of the City of North Myrtle Beach;)
PLANNING AND DEVELOPMENT)
DIRECTOR for the City of North Myrtle)
Beach; and CATHY E. MADDOCK as)
Personal Representative of the Estate of)
Douglas Maddock,)
)
Defendants.)
_____)

Civil Action No.: 4:07-1636-TLW-TER
4:06-1873-TLW-TER

ORDER

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III to whom this case had previously been assigned. (Docs. #321, #430¹). On August 18, 2010, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that the plaintiff be taxed costs in the amount of \$1,435.50 and that the plaintiff’s Motion for Costs be denied. (Docs. #321, #430). The plaintiff filed objections to the Report. (Docs. #325, #436). In conducting a review of the Report, the Court applies the following standard:

¹The first number listed reflects the document number in C/A No. 4:07-1636, the lead case. The second number reflects the document number in C/A No. 4:06-1873.

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In the objections, the plaintiff notes that the Magistrate Judge recommends an award of costs for deposition transcript copies, though the local rule authorizes costs only for “stenographer’s fee, costs of original transcription, and postage.” See Local Civil Rule 54.03(H). The plaintiff indicates that she took the depositions at issue, and paid for the original transcription. Thus, she argues that an award of costs for “copies” of these transcripts is not authorized by the local rule. However, the record indicates that the Magistrate Judge has recommended an award of costs, not for photocopies of deposition transcripts, but for court reporter prepared duplicates of two depositions taken by the plaintiff for use by the defendants. Thus, the “copies” appear to be duplicate originals that are subject to the local rule for which an award of costs is appropriate.

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report of the Magistrate Judge. (Docs. #321, #430). Therefore, for the reasons articulated by the Magistrate Judge, the plaintiff’s Motion for Costs, (Docs. #316, #425), is hereby **DENIED** and the plaintiff is hereby taxed costs in the amount of \$1,435.50.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

September 21, 2010
Florence, South Carolina