

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

VOXER, INC. and VOXER IP LLC,	§	No. 1:20-cv-00655 [DAE]
	§	
Plaintiffs,	§	
	§	
vs.	§	
	§	
META PLATFORMS, INC. f/k/a	§	
FACEBOOK, INC. and INSTAGRAM	§	
LLC,	§	
	§	
Defendants.		

ORDER ASSESSING COSTS AND ADOPTING REPORT AND
RECOMMENDATION

Before the Court is a Report and Recommendation (“the Report”) (Dkt. # 437) submitted by United States Magistrate Judge Susan Hightower. After reviewing the Report, the Court **ADOPTS** Judge Hightower’s recommendations and **GRANTS IN PART** and **DENIES IN PART** Plaintiffs Voxer, Inc. and Voxer IP LLC (“Voxer”) Motion in Support of its Bill of Costs. (Dkt. # 391.)

Voxer’s motion seeks an award of \$229,042.35 as the prevailing party in this cause of action.¹ (See Dkts. ## 382, 391.) Defendants Meta Platforms, Inc. f/k/a Facebook, Inc. and Instagram LLC (“Meta”) hereby object to the costs

¹ Initially, Voxer sought an award of \$255,190.05. However, following discussions and negotiations between the parties, Voxer has agreed to withdraw certain costs associated with deposition transcripts, resulting in a final total of \$229,041.35.

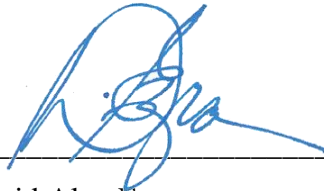
associated with deposition transcripts, video depositions, and copying expenses. (Dkt. # 398.) In her Report, Magistrate Judge Susan Hightower thoroughly analyzed each of the disputed costs. (See Dkt. # 437.) Upon thorough review, Judge Hightower recommended that the Court award Voxer a total of \$138,004.95 in costs. (Id. at 5) Objections to the Report were due within 14 days after being served with a copy. None of the parties in this case filed any objections.

Where, as here, none of the parties objected to the Magistrate Judge's findings, the Court reviews the Report for clear error. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989). After careful consideration, the Court adopts the Magistrate Judge's Report. The Court finds that the Magistrate Judge's exclusion regarding Voxer's incidental deposition transcript costs and Voxer's request for videography costs are all reasonable and absent of clear error. The Court also finds that the Magistrate Judge's award of 50% of all Voxer's copying cost is reasonable and absent of clear error. Therefore, the Court determines that the Magistrate Judge's conclusions and recommendations are neither clearly erroneous nor contrary to law.

Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation (Dkt. # 437) as the opinion of the Court, and **GRANTS IN PART** and **DENIES IN PART** Voxer's Motion in Support of its Bill of Costs (Dkt. # 391). It is **ORDERED** that Premier be awarded \$138,004.95 in costs.

IT IS SO ORDERED.

DATE: Austin, Texas, October 26, 2023.

A handwritten signature in blue ink, appearing to read 'D. Ezra', is written over a horizontal line.

David Alan Ezra
Senior United States District Judge