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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 LUCI HOOD,

9 Plaintiff,

No. C15-828RSL

10 v.

ORDER GRANTING PLAINTIFF'S
MOTIONS TO RETAX COSTS

11 COUNTY OF KING, *et al.*,

12 Defendants.

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14 This matter comes before the Court on plaintiff's "Motion to Retax Costs Awarded to
15 King County," Dkt. # 158, and plaintiff's "Motion to Retax Cost Bill of Defendants Highline
16 Medical Center and Fairfax Hospital," Dkt. # 159. On June 7, 2017, the Deputy Clerk of Court
17 awarded King County costs of \$3,360.47, Dkt. # 157, and awarded the hospitals costs of
18 \$2,235.20 and \$2,989.80, respectively, Dkt. ## 155, 156. Having reviewed the documents that
19 were before the Clerk as well as the parties' memoranda, the Court finds as follows:

20 (1) The Deputy Clerk properly noted that he lacks discretion to deny costs to the
21 prevailing party based on considerations of the possible chilling effect that costs might have on
22 future litigation by civil rights plaintiffs.

23 (2) On appeal per LCR 54(d)(4), however, the Court has discretion to deny costs upon
24 considering the chilling effect on future similar actions, the plaintiff's limited financial
25 resources, and the economic disparity between the parties. See *Escriba v. Foster Poultry*
26 *Farms, Inc.*, 743 F.3d 1236, 1247–48 (9th Cir. 2014).


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1 (3) Plaintiff's case involved civil rights claims and claims under the Involuntary
2 Treatment Act. Individual plaintiffs might be chilled from bringing cases like this one if they
3 are later required to subsidize the litigation costs of a powerful hospital or government entity.
4 In light of this potential chilling effect, and on the disparity of resources between plaintiff and
5 the defendants in this case, the Court concludes that an award of costs to King County and the
6 hospitals is not appropriate.

7 (4) The Court therefore exercises its discretion to vacate the awards of costs to
8 defendants.

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10 For all of the foregoing reasons, plaintiff's motions to retax costs (Dkt. ## 158, 159) are
11 GRANTED. The Clerk of Court's orders awarding costs to the hospitals (Dkt. ## 155, 156)
12 and the Clerk of Court's order awarding costs to King County (Dkt. # 157) are hereby
13 VACATED.

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15 Dated this 25th day of July, 2017.

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19 Robert S. Lasnik
20 United States District Judge
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