## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

## UNION PACIFIC RAILROAD COMPANY,

Plaintiff,

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Case No. 08C938

## BRAHM INTERNATIONAL LTD. Defendant.

## ORDER

After I granted default judgment to plaintiff, plaintiff submitted a bill of costs for \$543.00 under Fed. R. Civ. P. 54(d). The prevailing party is presumed to be entitled to its costs. <u>Gardner v. S. Ry. Sys.</u>, 675 F.2d 949, 954 (7th Cir. 1982). Defendant objects, stating that it acted on behalf of a third party and that it is out of business. However, I entered judgment solely against defendant. Upon reviewing the affidavits, I find that costs are appropriate.

Therefore,

**IT IS ORDERED** that plaintiff may recover as costs \$543.00.

Dated at Milwaukee, Wisconsin, this 26 day of January, 2010.

/s\_\_\_\_\_ LYNN ADELMAN District Judge