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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

United States District Court
Southern District of Texas
ENTERED

MAR 31 2001

Michael N. Milby, Clerk of Court

OSCAR GUERRA, ET AL.)	
)	
)	CIVIL ACTION NUMBER
vs.)	
)	C-80-115
CELANESE CORPORATION, ET AL.)	

ORDER

Pending before the Court is Plaintiffs' "Amended Bill of Costs - First". The Court, at a previously held hearing, stated that only those costs set out specifically in Title 28 U.S.C. § 1920 would be awarded in this case. Title 28 U.S.C. § 1920 provides:

A judge or clerk of any court of the United States may tax as costs the following:

- (1) Fees of the clerk and marshal;
- (2) Fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case;
- (3) Fees and disbursements for printing and witnesses;
- (4) Fees for exemplification and copies of papers necessarily obtained for use in the case;
- (5) Docket fees under section 1923 of this title;
- (6) Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section 1828 of this title.

A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.

The Plaintiffs seek to recover \$3,454.94 in costs itemized as follows:

Fees of the Clerk	\$ 203.00
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	1,522.43
Fees for exemplification and copies of papers necessarily obtained for use in the case	1,729.51

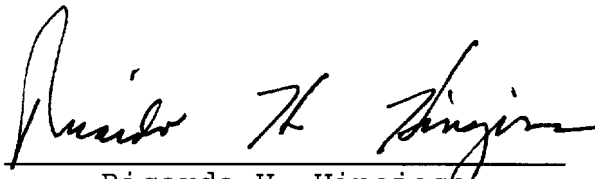
After reviewing the Plaintiffs' cost documentation attached to the bill of costs request, the Court finds that the Plaintiffs have failed to make the necessary showing that the requested costs related to depositions and photocopies were "necessarily obtained for use in the case" as required by Title 28 U.S.C. § 1920. The documentation filed with the Court regarding the deposition costs in this case fails to indicate for what purpose such deposition costs were incurred and why they were necessarily obtained for use in this case. In addition, the Plaintiffs did not provide the Court the necessary information to determine the necessity of the photocopies. Therefore, the deposition costs in the amount of \$1,522.43 and the photocopy costs in the amount of \$1,729.51 will be disallowed.

The Court is of the opinion that costs related to the fees of the Clerk should be awarded to the Plaintiffs. It is, therefore,

ORDERED that Defendant Celanese Corporation pay costs within ten (10) days from the date of this order to the Plaintiffs in the amount of \$203.00 which the Plaintiffs are entitled to under Title 28 U.S.C. § 1920.

The Clerk shall send a copy of this Order to counsel for the parties.

Done this 31st day of March, 2001 , at McAllen, Texas.

A handwritten signature in black ink, appearing to read "Ricardo H. Hinojosa". The signature is written in a cursive style with a horizontal line underneath it.

Ricardo H. Hinojosa
UNITED STATES DISTRICT JUDGE