

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATHEAULEEN MASON, *et al.*,

Plaintiffs,

Case No. 05-73943

v.

Hon. John Corbett O'Meara

JENNIFER GRANHOLM, *et al.*,

Defendants.

ORDER DENYING DEFENDANT HOWELL AND LANGLEY'S MOTIONS TO TAX COSTS

Before the court is Defendants Jerry Howell and Sally Langley's motions to tax costs pursuant to 28 U.S.C. § 1920, filed September 18, 2007. Plaintiffs filed their opposition to this motion on September 25, 2007. For the reasons stated below, I DENY Defendants' motions to tax costs.

Rule 54(d)(1) of the Federal Rules of Civil Procedure provides: “[u]nless a federal statute, these rules, or a court order provides otherwise, costs-other than attorney's fees-should be allowed to the prevailing party.” Fed. R. Civ. P. 54(d)(1). The Sixth Circuit has held that Rule 54(d)(1) “creates a presumption in favor of awarding costs, but allows denial of costs at the discretion of the trial court.” White & White, Inc. v. Am. Hosp. Supply Corp., 786 F.2d 728, 730 (6th Cir. 1986); see also Singleton v. Smith, 241 F.3d 534, 539 (6th Cir. 2001).

The court notes the general difficulty of bringing good faith sexual abuse cases to the public's attention, and specifically the difficulty faced by current and former female prisoners. It is a humiliating process wrought with fear of retribution. The court has a serious concern that

taxing the costs of these types of suits could have a chilling effect on the willingness of others to bring similar claims. As such, the presumption of an award of costs in this case is overcome by the concern that taxing these costs would deter potential victims from pursuing litigation against their attackers.

Accordingly, it is ORDERED that Defendants' motions to tax costs are DENIED.

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: July 2, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, July 2, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager