

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NORTH CAROLINA

Millsaps v. Iredell County District Attorney's Office, et al.

Millsaps · No. 5:22-CV-00095-KDB-DCK · Decided May 4, 2026

SUMMARY

The United States District Court for the Western District of North Carolina granted Defendant Ron Hillard’s motion for taxation of costs under Federal Rule of Civil Procedure 54(d)(1). The court awarded \$1,130.10 for deposition transcript and videotape costs, finding them reasonably necessary and rejecting good-faith prosecution of the claims as a basis to deny costs.

CASE DETAILS

COURT	United States District Court for the Western District of North Carolina
WRITING FOR THE COURT	Kenneth D. Bell
JURISDICTION	United States District Court for the Western District of North Carolina
DECIDED	May 4, 2026
DOCKET	5:22-CV-00095-KDB-DCK
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Ron Hillard moved under Federal Rule of Civil Procedure 54(d) for taxation of deposition transcript and videotape costs after prevailing in the litigation.
STANDARD OF REVIEW	The court applied the presumption under Federal Rule of Civil Procedure 54(d)(1) that costs should be awarded to the prevailing party, subject to rebuttal for a sufficient reason.
PRECEDENTIAL VALUE	Unknown

TOPICS

- costs
- civil procedure

PRACTICE AREAS

- civil procedure
- costs

QUESTIONS PRESENTED

1. Whether the prevailing defendant was entitled to taxation of \$1,130.10 in deposition transcript and videotape costs under Federal Rule of Civil Procedure 54(d)(1) and 28 U.S.C. § 1920(2).
2. Whether Plaintiff's good faith in pursuing the action constituted sufficient reason to overcome the presumption favoring an award of costs.

HOLDINGS

1. A prevailing party is presumptively entitled to an award of costs under Federal Rule of Civil Procedure 54(d)(1), and the presumption may be overcome only by a sufficient reason such as misconduct by the prevailing party or the losing party's inability to pay.
2. The costs of the deposition transcript and videotape were taxable because they were necessarily obtained for use in the litigation and were reasonable.

KEY QUOTATIONS

"The rule makes clear that, in the ordinary course, a prevailing party is entitled to an award of costs."

"the rule creates the presumption that costs are to be awarded to the prevailing party."

"the losing party's good faith in pursuing an action ... standing alone, is an insufficient basis for refusing to assess costs against that party."

FACTUAL BACKGROUND

Defendant Ron Hillard sought \$1,130.10 for the transcript and videotape of Plaintiff's deposition. The court found that the deposition materials were necessarily obtained for use in the litigation and that the claimed costs were reasonable; although Plaintiff pursued the claims in good faith, no other good cause to deny costs was shown.

PROCEDURAL HISTORY

The matter came before the Western District of North Carolina on Defendant Ron Hillard's Motion for Taxation of Costs. Plaintiff did not respond, and the court granted the motion, awarding \$1,130.10.

DISPOSITION

other

CASES CITED

- Teague v. Bakker, 35 F.3d 978, 996 (4th Cir. 1994)
- Cherry v. Champion International Corp., 186 F.3d 442, 446 (4th Cir. 1999)
- LaVay Corp. v. Dominion Federal Savings & Loan Ass'n, 830 F.2d 522, 528 (4th Cir. 1987)
- Saheed v. Huntington Ingalls Industries, Inc., No. 4:23-CV-123, 2026 WL 637425, at *1–2 (E.D. Va. Mar. 6, 2026)

OPINION

Millsaps

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF NORTH CAROLINA

STATESVILLE DIVISION

CIVIL ACTION NO. 5:22-CV-00095-KDB-DCK

GLENN S. MILLSAPS JR.,

Plaintiff,

v. MEMORANDUM AND ORDER

IREDELL COUNTY DISTRICT

ATTORNEY'S OFFICE, ET AL.,

Defendants. THIS MATTER is before the Court on Defendant Ron Hillard's Motion for Taxation of Costs (Doc. No. 208). The Court has carefully considered this motion and accompanying affidavit. Plaintiff has not filed a response, and the time for doing so has expired. As directed by Rule 54(d) of the Federal Rules of Civil Procedure, the Court will GRANT the motion. Fed. R. Civ. P. 54(d)(1) provides that "[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 rule makes clear that, in the ordinary course, a prevailing party is entitled to an award of costs." *Teague v. Bakker*, 35 F.3d 978, 996 (4th Cir. 1994); *Cherry v. Champion Intern. Corp.*, 186 F.3d 442, 446 (4th Cir. 1999) ("[T]he rule creates the presumption that costs are to be awarded to the prevailing party."). While the presumption may be overcome, a good reason for doing so, such as "misconduct by the prevailing party worthy of a penalty ... or the losing party's inability to pay" must be present. *Cherry*, 186 F.3d at 446. Significant here, the Fourth Circuit has also recognized that "the losing party's good faith in pursuing an action ... standing alone, is an insufficient basis for refusing to assess costs against that party." *Id.* Hillard seeks to recover \$1,130.10 for deposition transcript and videotape costs for Plaintiff's deposition. Doc. No. 208-1. 28 U.S.C. § 1920(2) specifically authorizes the taxation of costs for "[f]ees for printed or electronically recorded transcripts necessarily obtained for use in the case," 28 U.S.C. § 1920(2), and courts within the Fourth Circuit regularly award the costs of deposition transcripts "when the taking of a deposition is reasonably necessary at the time of its taking." *LaVay Corp. v. Dominion Fed. Sav. & Loan Assn*, 830 F.2d 522, 528 (4th Cir. 1987) (citation omitted); *Saheed v. Huntington Ingalls Indus., Inc.*, No. 4:23-CV-123, 2026 WL 637425, at *1—2 (E.D. Va. Mar. 6, 2026). The Court finds that the deposition transcript and videotape costs were necessarily obtained for use in this litigation and are reasonable. Further, while Plaintiff's claims were pursued in good faith, Rule 54(d) directs the Court to award costs to the prevailing party in the absence of other good cause, which Plaintiff has not proffered to the Court. Therefore, the motion for taxation of costs will be granted.

ORDER

NOW THEREFORE IT IS ORDERED THAT: Defendant Ron Hillard's Motion for Taxation of Costs (Doc. No. 208) is GRANTED in the amount of \$1,130.10. SO ORDERED ADJUDGED AND DECREED. Signed: May 4, 2026 Kenneth D. Bell United States District Judge woe

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