

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)

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