

**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

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**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 Plaintiffs 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