

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Carlos Williams v. County of Sacramento, et al.

Williams · No. 2:19-cv-02345-TLN-CSK · Decided April 18, 2025

SUMMARY

The United States District Court for the Eastern District of California sustained Plaintiff Carlos Williams’s objections to Defendant City of Rancho Cordova’s \$14,444.79 bill of costs. The court declined to award costs because Defendant failed to submit the memorandum of costs required by Eastern District of California Local Rule 292(b).

CASE DETAILS

|                       |                                                                                                                                                                                          |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                                      |
| WRITING FOR THE COURT | Troy L. Nunley                                                                                                                                                                           |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                                      |
| DECIDED               | April 18, 2025                                                                                                                                                                           |
| DOCKET                | 2:19-cv-02345-TLN-CSK                                                                                                                                                                    |
| DISPOSITION           | other                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Plaintiff objected to Defendant's post-judgment bill of costs after the Court granted Defendant's motion for summary judgment.                                                           |
| STANDARD OF REVIEW    | The Court applied the requirements of Federal Rule of Civil Procedure 54(d)(1) and Eastern District of California Local Rule 292(b) in exercising its discretion over an award of costs. |
| PRECEDENTIAL VALUE    | unpublished district court order                                                                                                                                                         |

TOPICS

- costs
- summary judgment
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether Defendant's bill of costs should be awarded when Defendant failed to submit the memorandum of costs required by Eastern District of California Local Rule 292(b).

## HOLDINGS

1. A prevailing party's bill of costs must be accompanied by the memorandum of costs required by Local Rule 292(b), and Defendant's failure to submit that memorandum justified declining to award its claimed costs.

## KEY QUOTATIONS

*“By its terms, the rule creates a presumption in favor of awarding costs to a prevailing party, but vests in the [Court] discretion to refuse to award costs.”* (at 2)

*“The Court finds Defendant fails to comply with Local Rule 292(b) because it did not submit a memorandum of costs with its submission of the bill of costs.”* (at 3)

## FACTUAL BACKGROUND

After prevailing on summary judgment, Defendant submitted a bill of costs totaling \$14,444.79 for clerk fees, service fees, and transcript-related expenses. The submission included an attorney affidavit and invoices but did not include the memorandum of costs required by Eastern District of California Local Rule 292(b). Plaintiff objected, and Defendant filed no response.

## PROCEDURAL HISTORY

On January 21, 2025, the Court granted Defendant's motion for summary judgment. Defendant then submitted a \$14,444.79 bill of costs without a memorandum of costs. Plaintiff objected under Eastern District of California Local Rule 292(b), Defendant did not respond, and the Court sustained the objection and declined to award the claimed costs.

## DISPOSITION

other

## CASES CITED

- Ass'n of Mexican-Am. Educators v. State of Cal., 231 F.3d 572, 591 (9th Cir. 2000)
- Save Our Valley v. Sound Transit, 335 F.3d 932, 945 (9th Cir. 2003)
- Oyarzo v. Tuolumne Fire Dist., No. 1:11-cv-01271-LJO, 2013 WL 5718877, at \*4 (E.D. Cal. Oct. 18, 2013)

## OPINION

Williams v. Rancho Cordova Police Dept.

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

12 Plaintiff, 13 v. ORDER 14 COUNTY OF SACRAMENTO, et al., 15 Defendants. 16 17 This  
matter is before the Court on objections filed by Plaintiff Carlos Williams 18 (“Plaintiff”) in  
response to a bill of costs filed by Defendant City of Rancho Cordova 19 (“Defendant”). (ECF No.  
74.) For the reasons set forth below, Plaintiff’s objections are hereby 20 SUSTAINED. 21 /// 22 ///  
23 /// 24 /// 25 /// 26 /// 27 /// 28 ///

## 1 I. FACTUAL AND PROCEDURAL BACKGROUND

2 On January 21, 2025, this Court entered an Order granting Defendant’s Motion for 3 Summary  
Judgment. (ECF No. 69.) On February 4, 2025, Defendant submitted a bill of costs for 4  
\$14,444.79, attributed to clerk fees (\$415.00), fees for service of summons and subpoena 5  
(\$2,786.29), and fees for printed or electronically recorded transcripts necessarily obtained for use  
6 in the case (\$11,243.50). (ECF No. 72 at 1.) Defendant has attached several invoices from 7  
Lexitas, Nationwide Legal, LLC, Focus Litigation Solutions, and Veritext, LLC, presumably for 8  
the transcripts and copies needed in this case. (Id. at 3–40.) Plaintiff objects to Defendant’s bill 9  
of costs, arguing Defendant failed to comply with Local Rule 292 because it did not include a 10  
memorandum of costs.<sup>1</sup> (ECF No. 74 at 2.) Plaintiff also provided a certificate of service, 11  
showing the objections had been filed with Defendant. (Id. at 5–6.) Defendant did not file a 12  
response to the objections.

## 13 II. STANDARD OF LAW

14 Under Federal Rule of Civil Procedure (“Rule”) 54(d)(1), the prevailing party in a lawsuit 15  
may recover its costs, other than attorney’s fees, “[u]nless a federal statute, these rules, or a court  
16 order provides otherwise.” Fed. R. Civ. P. 54(d)(1). “By its terms, the rule creates a  
presumption 17 in favor of awarding costs to a prevailing party, but vests in the [Court] discretion  
to refuse to 18 award costs.” *Ass’n of Mexican–Am. Educators v. State of Cal.*, 231 F.3d 572, 591  
(9th Cir. 19 2000). If the Court declines to award costs to the prevailing party, the Court must  
“specify 20 reasons” for denying costs. *Id.* However, the Court need not “specify reasons for its  
decision to 21 abide [by] the presumption and tax costs to the losing party.” *Save Our Valley v.*  
*Sound Transit*, 22 335 F.3d 932, 945 (9th Cir. 2003). 23 /// 24 /// 25 1 Plaintiff also argues  
Defendant is not the prevailing party and therefore is not entitled to 26 costs, Defendant should not  
be entitled to “rush” fees, Defendant should not be entitled to “field 27 trips,” and Defendant is not  
entitled to duplicate costs. (ECF No. 74 at 3–4.) However, because the Court is otherwise  
sustaining Plaintiff’s objections based on Local Rule 292, the Court 28 declines to consider  
Plaintiff’s additional objections.

## 1 III. ANALYSIS

2 Local Rule 292(b) provides: 3 Within fourteen (14) days after entry of judgment or order under  
which costs may be claimed, the prevailing party may serve on all 4 other parties and file a bill of

costs conforming to 28 U.S.C. § 1924. The cost bill shall itemize the costs claimed and shall be supported 5 by a memorandum of costs and an affidavit of counsel that the costs claimed are allowable by law, are correctly stated, and were 6 necessarily incurred. 7 E.D. Cal. L.R. 292. Plaintiff argues Defendant supplied a costs bill with a form attorney affidavit, 8 thirty-three pages of invoices, but no memorandum. (ECF No. 74 at 2.) Plaintiff also notes 9 Defendant did not supply any form of “brief” as defined by Local Rule 101. (Id.) Plaintiff 10 maintains the burden is on the party claiming costs incurred to justify taxing their opponent, 11 which includes a supporting memorandum of costs with citations to argument and authorities. 12 (Id.) Defendant was served with Plaintiff’s objections (id. at 4–5) but did not file any response 13 with the Court. 14 While “[t]he text of Local Rule 292(b) contains no specific description of the nature of the 15 memorandum required,” *Oyarzo v. Tuolumne Fire Dist.*, No. 1:11-cv-01271-LJO, 2013 WL 16 5718877, at \*4 (E.D. Cal. Oct. 18, 2013), the text of the rule still requires that a “memorandum of 17 costs” be submitted with the cost bill and the affidavit of counsel. E.D. Cal. L.R. 292(b). The 18 Court finds Defendant fails to comply with Local Rule 292(b) because it did not submit a 19 memorandum of costs with its submission of the bill of costs. Plaintiff is correct that “Defendant 20 gave no argument, explanation, or legal authorities as to why the costs were necessary or 21 otherwise supportive of their costs bill.” (ECF No. 74 at 2.) Accordingly, Plaintiff’s objection on 22 the basis of Local Rule 292(b) is SUSTAINED.

#### 23 IV. CONCLUSION

24 For the foregoing reasons, Plaintiff’s objection to Defendant’s bill of costs (ECF No. 25 74) is SUSTAINED. In accordance with this Order, the Court declines to award Defendant’s 26 bill of costs for lack of compliance. 27 // 28 // 1 IT IS SO ORDERED. 2 Date: April 17, 2025 3 Lf Ph

° TROY L. NUNLEY

6 CHIEF UNITED STATES DISTRICT JUDGE

7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28