

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).

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 CARLOS WILLIAMS, No. 2:19-cv-02345-TLN-CSK 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.¹ (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

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