

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
MISSISSIPPI, ABERDEEN DIVISION**

**Patrick Daniel Shumaker v. Yahya Alasri, Mutee Nagi, and O-Kay
Foods, Inc.**

Shumaker · No. 1:23-CV-4-SA-DAS · Decided May 12, 2026

SUMMARY

The court overruled Patrick Daniel Shumaker’s untimely objection to the Clerk’s taxation of \$1,057.40 in costs in favor of the defendants. The court held that deposition transcript costs were reasonably and necessarily incurred for trial preparation and that Shumaker failed to overcome the presumption favoring an award of costs to the prevailing party.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI ABERDEEN DIVISION PATRICK DANIEL SHUMAKER PLAINTIFF V. CAUSE NO. 1:23-CV-4-SA-DAS YAHYA ALASRI, MUTEE NAGI, and O-KAY FOODS, INC. DEFENDANTS ORDER After the Court entered Judgment [199] in their favor, the Defendants filed a Bill of Costs [200] on April 6, 2026. When Shumaker failed to respond within 14 days, the Clerk of Court taxed costs against him in the amount of \$1,057.40.

See [201]. On May 11, 2026, Shumaker filed an Objection [202]. His filing was made well beyond the applicable deadline to object. See FED. R. CIV. P. 54(d)(1) (“The clerk may tax costs on 14 days’ notice.”). In the filing, Shumaker claims he did not receive a copy of the Defendants’ filing, despite the fact that the Bill of Costs [200] contains a certificate of service wherein defense counsel certified that he mailed a copy of the filing to Shumaker’s mailing address listed on the docket.

The Court could overrule Shumaker’s Objection [202] on that basis alone. However, even considering the merits of the filing, it is due to be overruled. In essence, Shumaker contends that costs should not be taxed because the Defendants obtaining the deposition transcripts, the costs of which make up the entirety of the taxed costs, was unnecessary. This argument is wholly unpersuasive. “The Fifth Circuit has held that the prevailing party is *prima facie* entitled to costs.

The losing party shoulders the burden to overcome the presumption in favor of costs.” *Ankerson v. American Zurich Ins. Co.*, 2016 WL 927225, at *1 (S.D. Miss. Mar. 11, 2016) (quoting *Walters v. Roadway Exp., Inc.*, 557 F.2d 521, 526 (5th Cir. 1977)) (quotation marks and internal citations omitted).

The law clearly provides for “fees for printed or electronically recorded transcripts necessarily obtained for use in the case[.]” 28 U.S.C. § 1920. The Defendants are entitled to costs incurred for printed deposition transcripts despite the fact that they never used the transcripts at trial.

In the Court’s view, the Defendants’ decision to incur those costs in preparing for trial was certainly reasonable, as they were unaware prior to trial as to how the testimony would develop and whether the deposition transcripts would be needed.

To decide the issue otherwise would create a perverse incentive. Furthermore, Shumaker has come forward with nothing to support his position. In other words, he has done nothing to overcome the presumption in favor of costs. See Ankerson, 2016 WL 927225 at *1.1 The Objection [202] is OVERRULED.

The CASE remains CLOSED. SO ORDERED, this the 12th day of May, 2026. /s/ Sharion Aycock
SENIOR UNITED STATES DISTRICT JUDGE 1 Shumaker’s references to state court litigation between the parties and the Defendants not agreeing to virtual depositions in this case are irrelevant.