

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Lorenzo Wood v. Cynthia Provow

No. 9:21-cv-107 (ECC/ML) (N.D.N.Y. Mar. 26, 2026) · No. 9:21-cv-107 (ECC/ML) · Decided March 26, 2026

SUMMARY

The court grants Defendant Cynthia Provow’s motion for a bill of costs after a jury found that Lorenzo Wood failed to prove his medical-indifference claim under 42 U.S.C. § 1983. The court awards \$1,914.86 for witness fees, deposition transcript fees, copying costs, and docket fees under Federal Rule of Civil Procedure 54(d) and 28 U.S.C. § 1920.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Elizabeth C. Coombe
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	March 26, 2026
DOCKET	9:21-cv-107 (ECC/ML)
DISPOSITION	other
PROCEDURAL POSTURE	After a jury returned a verdict for Defendant in Plaintiff's 42 U.S.C. § 1983 medical-indifference action, Defendant moved under Federal Rule of Civil Procedure 54(d) for an award of taxable costs.
STANDARD OF REVIEW	An award of costs under Federal Rule of Civil Procedure 54(d)(1) rests within the sound discretion of the district court. Costs must be authorized by statute or contract, and the losing party bears the burden of showing why costs should not be imposed.
PRECEDENTIAL VALUE	unpublished district court memorandum

TOPICS

- costs
- civil procedure
- section 1983
- police misconduct
- remedies

PRACTICE AREAS

- civil procedure
- civil rights
- costs

QUESTIONS PRESENTED

1. Whether Defendant was entitled under Federal Rule of Civil Procedure 54(d)(1) and applicable statutes to recover the requested taxable costs as the prevailing party.
2. Whether the requested witness fees, deposition transcript fees, copying and printing fees, and docket fees were authorized and properly taxable.

HOLDINGS

1. The prevailing Defendant was entitled to recover taxable costs because Rule 54(d)(1) makes an award of costs the normal rule, and Plaintiff did not show a basis for denying or reducing the award.
2. Defendant was entitled to \$181.40 in witness costs, consisting of the statutory \$40 attendance fee and \$141.40 in mileage for a nonparty trial witness.
3. Defendant was entitled to \$927.96 for Plaintiff's deposition transcript because Plaintiff testified at trial and the transcript was reasonably necessary for cross-examination or trial preparation.
4. Defendant was entitled to \$785.50 for copying and printing 1,571 pages of discovery documents produced to Plaintiff.
5. Defendant was entitled to recover \$20.00 in docket fees.

KEY QUOTATIONS

“For this reason, the losing party has the burden to show that costs should not be imposed; for example, costs may be denied because of misconduct by the prevailing party, the public importance of the case, the difficulty of the issues, or the losing party’s limited financial resources.” (II)

“For these reasons, it is ORDERED that the Motion for Bill of Costs, Dkt. No. 124, is GRANTED;” (IV)

FACTUAL BACKGROUND

Plaintiff brought a § 1983 action alleging medical indifference against Cynthia Provow, and his claim was tried to a jury. The jury found that Plaintiff failed to prove the claim by a preponderance of the evidence. Defendant sought costs for a trial witness, Plaintiff's deposition transcript, copies of discovery documents, and docket fees.

PROCEDURAL HISTORY

Plaintiff commenced the action on January 29, 2021. Although the complaint named additional defendants, only the claim against Cynthia Provow proceeded to trial. On June 25, 2025, the jury found that Plaintiff had not proved his claim by a preponderance of the evidence, and judgment was entered for Defendant on June 26, 2025. Defendant then moved for \$1,914.86 in costs; Plaintiff filed no opposition. The court granted the motion.

DISPOSITION

other

CASES CITED

- Sacco v. Daimler Chrysler Corp., No. 05-cv-1435, 2008 WL 2858652, at *1 (N.D.N.Y. July 22, 2008)
- Gallagher v. IBEW Local Union No. 43, No. 5:00-cv-1161, 2008 WL 5191691, at *1 (N.D.N.Y. Dec. 10, 2008)
- Whitfield v. Scully, 241 F.3d 264, 270 (2d Cir. 2001)
- Mercy v. County of Suffolk, 748 F.2d 52, 54 (2d Cir. 1984)
- Bruce v. Samuels, 577 U.S. 82 (2016)
- McEachin v. Goord, No. 9:01-cv-0259, 2007 WL 1571981, at *1 (N.D.N.Y. May 25, 2007)
- New Skete Farms, Inc. v. Murray, No. 1:06-cv-486 (GLS/RFT), 2009 WL 10680320, at *3 (N.D.N.Y. Apr. 3, 2009)
- Green v. Venettozzi, No. 9:14-cv-1215 (BKS/CFH), 2019 WL 4508927, at *1 (N.D.N.Y. Sept. 19, 2019)
- Yunus v. Jones, No. 9:15-cv-1282 (GTS), 2020 WL 3026238, at *3 (N.D.N.Y. June 5, 2020)
- Encarnacion v. Spinner, No. 9:15-cv-1411 (BKS), 2023 WL 2785745, at *7 (N.D.N.Y. Apr. 5, 2023)

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