## UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT

CAROL DROWN	
V.	CIV. NO. 3:03CV978 (HBF)
T.F.C. CONWAY (#1346)	

## RULING ON DEFENDANT'S MOTION FOR COSTS AND FOR WRIT OF EXECUTION

A jury trial was held on September 19-21, 2005. On September 21, the jury returned a verdict in favor of defendant and final judgment was entered on September 22, 2005. [Doc. #42]. No timely appeal was filed by plaintiff.

On September 28, 2005, defendant filed a motion for costs after judgment and for writ of execution [doc. #43], with an affidavit for verified bill of costs, copies of invoices and billing statements, a request for forfeiture of plaintiff's security bond and a writ of execution. [Doc. 43, Ex. A & B]. Plaintiff has not filed an objection to this motion.<sup>1</sup> For the reasons stated below, Defendant's motion for bill of costs and request for forfeiture of bond [Doc #43] is GRANTED in the amount

of \$693.23.

<sup>&</sup>lt;sup>1</sup>"Any objections to the bill of costs shall be filed with the Clerk within ten (10) days of the filing of the bill of costs . . . " D. Conn. L. Civ. R. 54(b).

## Bill of Costs

Defendant submits the following claims for costs:

Fees of the Court Reporter

 a. Deposition transcript of Carol Drown \$ 514.47
 b. Deposition transcript of Dr. Timothy Goundry \$ 205.35

 Fees for Witnesses

 a. Witness Fee for Dr. Timothy Goundry \$ 45.76

TOTAL \$ 765.59

# Fees for Court Reporter

The costs of an original and one copy of deposition transcripts are recoverable if they are used for cross examination or impeachment, or if they are necessarily obtained for the preparation of the case and for the convenience of counsel. D. Conn. L. Civ. R. 54(c)(2)(ii). Court reporter fees are taxed at the prevailing page rate pursuant to D. Conn. L. Civ. R. 80. Maximum transcript rates for an original and one copy are \$3.75 per page.

The Court finds that the costs for transcripts for plaintiff Carol Drown in the amount of \$348.75, appearance fee of the court reporter of \$80.00, and tax in the amount of \$25.73 are allowable in the amount of \$454.48. Defendant's request for fees for multi-page condensing in the amount \$30.00 and for shipping and handling in the amount of \$8.00 are disallowed.

The Court finds that the costs for Dr. Goundry's transcript

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fees in the amount of \$123.75 and appearance fee of the court reporter of \$75.00 are also allowable in the amount of \$198.75.

#### Witness Fee

The witness fee for Dr. Goundry is awarded in the amount of \$40.00. Defendant provided no supporting documentation for an award for mileage.

### Surety Bond

Plaintiff was ordered to post a \$500.00 bond as security for costs on October 29, 2003, pursuant to D. Conn. L. Civ. R. 83.3. [Doc. #9, 10]. There is no record that plaintiff complied with the Court's order to post a bond as security for costs.

### Summary

Defendant's bill of costs is **GRANTED** in the amount of **\$693.23 [Doc #43].** Defendant's motion for forfeiture of bond is **DENIED** as moot in light of plaintiff's failure to comply with the Court's order dated October 29, 2003. [Doc. #10].

SO ORDERED at Bridgeport this 26th day of October 2005.

/s/ HOLLY B. FITZSIMMONS UNITED STATES MAGISTRATE JUDGE

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