

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

KIMBERLY MATTAIR,

Plaintiff,

v.

Case No. 3:17-cv-211-J-32PDB

PILGRIM'S PRIDE CORPORATION,

Defendant.

ORDER

This case is before the Court on defendant's Proposed Bill of Costs (Doc. 48), to which plaintiff has filed objections (Doc. 49). As the prevailing party, defendant may seek recovery of certain costs. See Fed. R. Civ. P. 54(d). The decision whether to award costs is within the Court's discretion. Marx v. Gen. Rev. Corp., 568 U.S. 371, 377 (2013). The only allowable costs are those listed under 28 U.S.C. § 1920. Maris Dist. Co. v. Anheuser-Busch, Inc., 302 F.3d 1207, 1225 (11th Cir. 2002).

Defendant seeks \$6,964.26 in costs. The Court has determined that costs should be awarded to defendant, but in an amount less than sought. Costs for postage (\$158.05) and mediation (\$693.00) are not listed under 28 U.S.C. § 1920 so the Court will disallow those. The Court will also disallow the costs for pro hac vice admission (\$480.00). It is not necessary to hire out-of-town counsel to defend an employment discrimination case and, in any event, it is not clear that those costs are allowed under § 1920. See, e.g., Kalitta Air L.L.C. v. Cent. Tex. Airborne Sys. Inc.,

741 F.3d 955, 958 (9th Cir. 2013) (concluding pro hac vice fees are not allowed under § 1920). As for photocopies (for which defendant seeks \$1,536.96), although defendant did not submit invoices for the Court and plaintiff to review, at least some photocopies were necessary to the case. The Court will allow costs for photocopies in the amount of \$500.00. The Court will disallow the costs for obtaining medical records for which no invoice is attached (\$119.75). The Court finds the other costs requested should be awarded.

Accordingly, it is hereby

ORDERED:

The Clerk shall enter a costs judgment in favor of defendant and against plaintiff in the amount of **\$4,476.50**. Post-judgment interest will accrue at the statutory rate set forth in 28 U.S.C. § 1961.

DONE AND ORDERED in Jacksonville, Florida the 24th day of April, 2019.



TIMOTHY J. CORRIGAN
United States District Judge

s.
Copies:
Counsel of record