

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED VAN LINES, LLC,

Plaintiff,

v.

Case No. 8:18-cv-941-T-24 CPT

BRYAN STEWART and
DENA STEWART,

Defendants.

ORDER

This cause comes before the Court on Plaintiff's Motion to Tax Costs. (Doc. No. 17). As explained below, the motion is granted in part.

I. Background

Plaintiff United Van Lines, LLC filed suit against Defendants Bryan and Dena Stewart due to Defendants' failure to pay Plaintiff the amount due for Plaintiff's interstate transportation of Defendants' personal property and household goods from Idaho to Florida. (Doc. No. 1). Defendants failed to respond to the complaint, and the Clerk entered default against Defendants on August 15, 2018. (Doc. No. 12, 13). Plaintiff moved for default judgment (Doc. No. 16), which the Court granted on August 24, 2018 (Doc. No. 16).

II. Motion to Tax Costs

In the instant motion, Plaintiff seeks an award of costs from Defendants. Specifically, Plaintiff seeks \$410 for service of process. Pursuant to 28 U.S.C. § 1920, the Court may tax costs relating to service of process. However, there is a limitation on the amount that can be taxed for service of process. "Fees for private process servers may be taxed under section 1920(1) so long as they do not exceed the fees authorized by section 1921." Beach-Mathura v.

American Airlines, Inc., 571 Fed. Appx. 810, 812–13 (11th Cir. 2014)(citation omitted).

Currently, service of process fees are taxed at “\$65 per hour (or portion thereof) for each item served . . . plus travel costs and any other out-of-pocket expenses.” 28 C.F.R. § 0.114(a)(3).

In this case, Plaintiff attempted to serve Defendants Bryan and Dena Stewart at their shared residence. It took the process server eleven attempts to serve Defendants. (Doc. No. 17-3, p. 2; Doc. No. 17-4, p. 2). During the eleventh and final attempt, the process server spent an hour and a half waiting at the residence to serve them. (Doc. No. 17-3, p. 2; Doc. No. 17-4, p. 2).

As a result, the process server charged Plaintiff the following amounts for service: (1) the process server charged Plaintiff \$65 for service, plus an additional \$65 for making multiple attempts to serve Defendant Bryan Stewart (Doc. No. 17-3, p. 1); and (2) the process server charged Plaintiff \$65 for service, plus an additional \$65 for making multiple attempts to serve Defendant Dena Stewart, plus \$150 for the hour-and-a-half wait time on the eleventh attempt (Doc. No. 17-4, p. 1). Because the hour-and-a-half wait time was charged at a rate of \$100 per hour, instead of \$65 per hour, the Court must reduce this cost to \$65 x 1.5 hours, which equals \$97.50. Accordingly, the Court awards Plaintiff \$357.50 in costs for service of process.

III. Conclusion

Accordingly, it is ORDERED AND ADJUDGED that Plaintiff’s Motion to Tax Costs (Doc. No. 17) is **GRANTED** to the extent that the Court awards Plaintiff \$357.50 in costs for service of process. Plaintiff is directed to file an amended Bill of Costs reflecting this amount, which the Clerk will tax upon filing.

DONE AND ORDERED at Tampa, Florida, this 10th day of September, 2018.


SUSAN C. BUCKLEW
United States District Judge

Copies to:
All Parties and Counsel of Record