

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

KRISTA MCGOWAN,

Plaintiff,

v.

AAR GOVERNMENT SERVICES,
INC.,

Defendant.

Case No. 6:23-cv-96-RBD-RMN

ORDER

This cause comes before the Court for consideration without oral argument on Defendant's Motion to Approve Bill of Costs (Dkt. 40), filed July 16, 2024. The motion is due to be denied for two reasons.

First, it does not contain the certification required by Local Rule 3.01(g)(2). Counsel are reminded that a party must confer with the opposing party before filing a motion other than one seeking injunctive relief, judgment on the pleadings, summary judgment, or certification of a class. *See* Local Rule 3.01(g)(1). Additionally, each motion must include a section under the heading "Local Rule 3.01(g) Certification," memorializing the parties' conferral as directed by Local Rule 3.01(g)(2).

Second, Federal Rule of Civil Procedure 54(d)(1) provides that the “clerk may tax costs on 14 days’ notice” and then, if a “motion is served within the next 7 days, the court may review the clerk’s action.” *Id.*; see also *Prison Legal News v. Crosby*, No. 3:04-cv-1416, 2005 WL 2372170, at *2 (M.D. Fla. Sept. 27, 2005) (“The standard procedure usually involves the clerk taxing the costs, after which the taxed party may move the court to review the clerk’s entry.”) (citing *BDT Prods. v. Lexmark Int’l Inc.*, 405 F.3d 415, 417 (6th Cir. 2005)). Under the rule, no judicial action is required until a party asks the Court to review the costs taxed by the clerk. Defendant’s requested relief—the Court’s approval of the bill of costs, Dkt. 40 at 1—is therefore unnecessary. Once the clerk taxes the proposed costs, Plaintiff may move to set aside all or part of the taxed costs by filing a motion within seven days of the Clerk’s taxation of costs, as provided by Rule 54(d)(1).¹

Accordingly, it is **ORDERED** that Defendant’s Motion to Approve Bill of Costs (Dkt. 40) is **DENIED**.

DONE and **ORDERED** in Orlando, Florida, on July 18, 2024.



ROBERT M. NORWAY
United States Magistrate Judge

¹ Although Local Rule 7.01(b) is referenced on the first page of the motion, that rule applies only when a party claims “a post-judgment attorney’s fee and related *non-taxable* expenses.” Local Rule 7.01(a) (emphasis added).

Copies to:

Counsel of Record