

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In the Matter of

STANDING ORDER

M - 10 - 468

TAXATION OF COSTS

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At its November 16, 1989 meeting, the Board of Judges of the Southern District of New York repealed Joint Local Rule 11(c).

The Board of Judges further directed that a Standing Order issue specifying what items may be taxed by the Clerk on the entry of a final judgment. Accordingly, it is ORDERED that the following items will be taxable as costs by the Clerk as a matter of course in any Civil Case unless otherwise directed by the assigned Judge or Magistrate.

(1) Transcripts.

Fees of the Court Reporter for any part of the original stenographic court transcript of a trial necessarily obtained for use in the case in this Court. The fees for transcripts of court proceedings prior to or subsequent to trial are taxable only when authorized in advance or ordered by the Assigned Judge or Magistrate.

(2) Depositions.

Fees of the Court Reporter for the original of a deposition, and one copy, if the deposition was used at the trial or received in evidence, whether or not it was used or read in its entirety, or if used by the Court in ruling on a motion for summary judgment or similar substantive motion. Fees for depositions not so used are not taxable. Counsel's fees and expenses in attending the taking of a deposition are not taxable except as provided by statute, rule or order of

the court. Fees, mileage and subsistence for a witness at a deposition are taxed at the same rate as for attendance at trial if the deposition is received in evidence or read from at trial, or used by the Court in ruling on a motion for summary judgment or similar substantive motion.

(3) Witness Fees, Mileage and Subsistence.

Witness fees if the witness testifies. Subsistence, pursuant to 28 U.S.C. § 1821, if it is not practical for the witness to return to his or her residence from day to day during the trial. No party to the action may claim witness fees, mileage or subsistence. Fees for expert witnesses in excess of those taxable for ordinary witnesses, are taxable only when authorized or ordered in advance by the assigned Judge or Magistrate.

(4) Interpreting Costs.

The reasonable fee of a competent interpreter for a witness if the fee of that witness is taxable. The reasonable fee of a document translator if the document translated is admitted into evidence.

(5) Exemplification, Certification and Copies of Papers.

Fees for exemplification, certification and copies of an exhibit if the original was not available and the copy was admitted into evidence, and fees for a search and certification or proof of the non-existence of a document in a public office are taxable. The cost of copies used for the convenience of counsel is not taxable.

(6) Maps, Charts, Models, Photographs and Summaries.

The cost of photographs, 8" x 10" in size or less, if admitted into evidence. Enlargements greater than 8" x 10" are not taxable except by order of the assigned Judge or Magistrate. Costs of models are not taxable except by order of the assigned Judge or Magistrate. The costs of compiling summaries, statistical comparisons and reports are not taxable, unless directed by the assigned Judge or Magistrate.

(7) Docket Fees to Attorneys.

Statutory docket fees pursuant to 28 U.S.C. § 1923 are taxable. Other attorney costs, fees and paralegal expenses are not taxable except by order of the assigned Judge or Magistrate.

(8) Masters, Receivers and Commissioner Fees.

Fees to masters, receivers and commissioners are taxable as costs unless otherwise ordered by the assigned Judge or Magistrate.

(9) Costs for Title Searches.

A party to whom costs are awarded in an action to foreclose a mortgage on real property or an action for partition of real property is entitled to tax necessary disbursements for the expenses of searches made by title insurance, abstract or searching companies, or by any public officer authorized to make official searches and certify same, or by the attorney for the party to whom costs are awarded, taxable at rates not exceeding the cost of similar official searches.

(10) Miscellaneous.

Reasonable and actual fees of a Marshal, Sheriff, or Process Servers.

So Ordered.

S/

Charles L. Briant
Chief Judge

Dated: New York, New York
April 20, 1990