

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

RACHEL TUDOR,

Plaintiff,

v.

SOUTHEASTERN OKLAHOMA STATE
UNIVERSITY, and THE REGIONAL
UNIVERSITY SYSTEM OF
OKLAHOMA,

Defendants.

Case No. 15-cv-324-C

**DEFENDANTS' RESPONSE TO PLAINTIFF'S
SUPPLEMENTAL BRIEF IN SUPPORT OF BILL OF COSTS**

Defendants Southeastern Oklahoma State University ("SEOSU") and The Regional University System of Oklahoma ("RUSO") submit the following response to Plaintiff's Supplemental Brief in Support of Bill of Costs. [Doc. 335].

I. UNRECOVERABLE PRINTING COSTS

"The burden is on the prevailing [party] to establish the amount of compensable costs and expenses to which they are entitled. Prevailing parties necessarily assume the risks inherent in a failure to meet that burden." *English v. Colo. Dep't. of Corr.*, 248 F.3d 1002, 1013 (10th Cir. 2001). It is the prevailing party's burden to prove that the costs asserted are actually allowed under 28 U.S.C. § 1920.

As ordered by the Court Clerk at the August 16, 2018 Costs hearing, Plaintiff is not entitled to recover copy expenses for duplicative and/or unnecessary copies of trial exhibits. Despite the Court's Clerk's ruling, Plaintiff continues to seek recovery of unrecoverable costs for unnecessary sets of trial exhibits. Three copies of exhibits

were required and necessary – copies for Plaintiff, Defendants and the Court. Based upon Plaintiff's representation that each set is 7711 pages, the cost of exhibit copies to which Plaintiff is entitled is \$3,469.95. Plaintiff's attempt to recover costs incurred for unnecessary copies, including the defective copies of trial exhibits, (which the Court ordered Plaintiff to replace)¹, and the additional copies Plaintiff claims were for Plaintiff's counsel's mere convenience, should be denied.

II. FEES FOR HEARING AND TRIAL TRANSCRIPTS

In Plaintiff's initial bill of costs, Plaintiff sought recovery of daily transcript fees. In response to the Court Clerk's request, Plaintiff has recalculated the transcript fees utilizing the Court's permitted fee schedule, and applying the expedited rate to trial transcript fees. Defendants have no objection to the recalculated amount of transcript fees requested by Plaintiff, which is \$4,526.90.

¹ Instead of replacing the unmarked exhibits with a new set of exhibits, Plaintiff's counsel placed stickers with exhibit numbers on Defendants' set of exhibits. Thus, Plaintiff did not incur costs for another set of trial exhibits.

Respectfully submitted,

/s/ Dixie L. Coffey

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of August 2018, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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