

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

DR. RACHEL TUDOR,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 5:15-CV-00324-C
	)	
SOUTHEASTERN OKLAHOMA	)	
STATE UNIVERSITY,	)	
	)	
and	)	
	)	
THE REGIONAL UNIVERSITY	)	
SYSTEM OF OKLAHOMA,	)	
	)	
	)	
Defendants.	)	

**MR. EZRA YOUNG’S  
BRIEF IN SUPPORT OF  
BILL OF COSTS**

Pursuant Fed. R. Civ. P. 54 and to Local Rule 54.1, as former counsel for Dr. Tudor, I am filing the foregoing brief in support of my supplemental Bill of Costs. In support, I state the following:

**I. INTRODUCTION**

This is a case brought by Tudor pursuant to Title VII of the Civil Rights Acts of 1964 to redress employment discrimination and retaliation she endured at the hands of her former employers, Southeastern Oklahoma State University (“Southeastern”) and the Regional University System of

Oklahoma (“RUSO”). Tudor prevailed at trial and, after the resolution of other post-trial motions, judgment was entered for Dr. Tudor by the Court on June 6, 2018 (ECF No. 293).

On June 6, 2018, Dr. Tudor filed a notice of appeal, with the intent to seek reversal of some of this Court’s decisions on remedies. *See* Notice of Appeal (ECF No. 294). On September 25, 2018, Defendants filed a notice of appeal, with the intent to seek reversal of several of this Court’s merits decisions. *See* Notice of Appeal, ECF No. 343.

On September 13, 2021, the Tenth Circuit issued an order covering both Tudor’s appeal and Defendants’ cross appeals, ultimately concluding that Tudor is the prevailing party at both the appellate and trial court levels. *See* Tenth Circuit Order, ECF No. 357; Tenth Circuit Judgment, ECF No. 358.

## II. ARGUMENT AND AUTHORITIES

### A. PREVAILING PARTY IS ENTITLED TO TAXABLE COSTS

The Tenth Circuit has expressly recognized that Dr. Tudor is the prevailing party at both the appellate and trial levels. *See* ECF No. 357 at 55 (holding that Dr. Tudor is the prevailing party “below and on both appeals” and remanding to this Court).

Because Dr. Tudor is the prevailing party at both the appellate and trial levels, taxable costs incurred prosecuting her case against Defendants are presumptively taxable. Fed. R. Civ. P. 54(d)(1) (costs other than attorneys' fees shall be allowed as of course to the prevailing party); *Zeran v. Diamond Broadcasting, Inc.*, 203 F.3d 714, 722 (10th Cir. 2000) (recognizing Rule 54 "creates a presumption that the district court will award costs to the prevailing party").

**B. COSTS SOUGHT ARE PROPERLY TAXABLE**

The Clerk of Court previously awarded my Firm taxable costs in the amount of \$11,117.94, for costs incurred as of June 20, 2018. *See* ECF No. 339. At this time, I am seeking additional taxable costs for costs incurred after June 20, 2018, in the amount of \$531.85.

As I detail in my Affirmation (filed concurrently herewith), I am seeking reimbursement for two items—the appellate docketing fee and printing costs associated with producing necessary courtesy copies of my June 2018 motions for attorneys' fees and costs.

*Appellate docketing fee.* I am seeking \$505.00, the amount paid to this Court to docket Tudor's appeal in the Tenth Circuit. This cost is properly taxable pursuant to Fed. R. App. P. 39(a)(4). Under that rule, this fee must be sought directly from the District Court.

*Printing.* I am seeking \$26.85, costs incurred in producing courtesy

copies of my and my co-counsel's petitions for attorneys' fees and costs. The costs incurred for producing these courtesy copies required by this Court and are properly taxable pursuant to 28 U.S.C. §1920(4).

**C. PROPER FOR ATTORNEY YOUNG TO DIRECTLY APPLY FOR COSTS**

This Court previously granted me and Ms. Brittany Novotny permission to participate in proceedings pertaining to attorneys' fees and costs in light of our respective attorneys' liens in this matter. *See* Order, ECF No. 352).

Because my Firm directly incurred the costs set forth in the Bill of Costs filed concurrently with this Brief, it is appropriate for me to directly apply. Moreover, this direct application is prudent in light of the fact that I personally maintain the records and possess the knowledge necessary to make this application for taxable costs incurred by my Firm in prosecution of Tudor's case.

**III. CONCLUSION**

For the foregoing reasons, I request that the Court grant my Motion for Costs and direct Defendants to pay such costs as set forth in the Bill of Costs filed concurrently herewith.

Dated: September 27, 2021

/s/ Ezra Young

Ezra Young (NY Bar No. 5283114)

LAW OFFICE OF EZRA YOUNG

210 North Sunset Drive

Ithaca, NY 14850

P: (949) 291-3185

ezra@ezrayoung.com

**CERTIFICATE OF SERVICE**

I hereby certify that on September 27, 2021, I electronically filed a copy of the foregoing with the Clerk of Court by using the CM/ECF system, which will automatically serve all counsel of record.

/s/ Ezra Young

Ezra Young (NY Bar No. 5283114)