

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

JOE THOMPSON,

Plaintiff,

v.

EATON CORPORATION,
Cutler-Hammer Division,

Defendant.

ORDER

02-C-1243-C

Plaintiff Joe Thompson has filed a motion for review of the Clerk of Court's decision to award photocopying expenses in the amount of \$8,434.75. Having reviewed the parties' submissions, I am persuaded that defendant Eaton Corporation is entitled to an award of \$1481.84.

Defendant is correct when it argues that 28 U.S.C. § 1920(4) entitles it to recovery of the cost of photocopying materials for discovery, provided that the number of copies is reasonable. Kulumani v. Blue Cross/Blue Shield Assoc., 224 F.3d 681 (7th Cir. 2000) (taxing cost of five photocopies of materials is questionable; taxing cost of two copies is reasonable). The parties do not dispute that defendant made copies of almost 3500

discovery documents. At a cost of \$.14 a page, the cost of two copies of each of 3500 documents would be \$980.00. Defendant spent \$385.74 copying exhibits for trial and \$116.10 in copying trial materials for review by its expert witnesses. These expenses are properly taxed as costs.

As to the remaining photocopying expenses for which defendant sought taxation, I am not persuaded that they were incurred necessarily for use in the case. Therefore, I will not tax them as costs.

ORDER

IT IS ORDERED that plaintiff Joe Thompson's motion to review costs is GRANTED; defendant Eaton Corporation is AWARDED costs for photocopies in the amount of \$1481.84. In all other respects, the Clerk of Court's award of costs stands as entered.

Entered this 12th day of May, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge