

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

COMPUTER DOCKING
STATION CORPORATION,

Plaintiff,

v.

DELL, INC., GATEWAY, INC.,
TOSHIBA AMERICA, INC. and
TOSHIBA AMERICA INFORMATION
SYSTEMS, INC.,

Defendants.

ORDER

06-C-0032-C

In an order entered on April 9, 2007, the clerk of court awarded costs to defendant Gateway, Inc. in the amount of \$41,863.29, \$40,101.83 of which was for “document production.” (Gateway had sought \$60,152.74 for this purpose; the clerk reduced it by one-third.) Plaintiff Computer Docking Station has moved for re-taxing of the costs. It asserts that the costs for document production actually were for attorney fees paid by defendant Gateway to the firm that produced the documents.

Defendant Gateway has explained that the costs were attributable to far more than simple collection or photocopying of paper documents but rather to complex electronic

document processing. It notes that plaintiff would have received all of the electronic documents had the court not terminated the case on summary judgment. It denies that the vendor, Case Data, performed any legal services.

The amounts defendant Gateway incurred are justifiably taxed as costs under 28 U.S.C. § 1920. In some circumstances, electronic document processing entails high costs; this appears to be one of those situations. Defendant Gateway necessarily incurred the costs in response to document requests from plaintiff. It is not unfair to require plaintiff to pay those costs.

ORDER

IT IS ORDERED that the motion of plaintiff Computer Docking Station Corporation for re-taxing of costs payable to defendant Gateway, Inc., is DENIED.

Entered this 4th day of May, 2007.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge