

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NATIONAL PRODUCTS, INC.,

Plaintiff,

v.

GAMBER-JOHNSON LLC,

Defendant.

CASE NO. C08-0049JLR

ORDER DENYING MOTIONS TO
RETAX COSTS

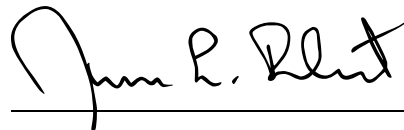
This matter comes before the court upon National Products, Inc.’s (“National Products”) two motions to retax costs (Dkt. ## 331, 334). In connection with discovery disputes in this matter the court directed that National Products and Gamber-Johnson LLC (“Gamber-Johnson”) preliminarily share the expenses of restoring and processing certain Gamber-Johnson computer files. (Dkt. # 45.) The half share for each party came to \$79,800.81.

1 National Products prevailed at trial and filed a motion for costs (Dkt. # 263),
2 including a request for taxing their \$79,800.81 computer file expenses. The clerk of
3 court awarded National Products \$39,900.46, or half of the cost it incurred.

4 The present motions (Dkt. ## 331, 334) seek to recover the non-awarded
5 \$39,900.46 as either taxable costs (Dkt. # 331) or as part of an award of attorney's fees
6 and costs (Dkt. # 334). In response, Gamber-Johnson asks the court to revoke the
7 \$39,900.46 award of costs by reducing the total award by \$39,900.46. (Resp. (Dkt. #
8 337) at 9.)

9 The court is given broad discretion in reviewing taxable costs to a prevailing party.
10 *Ass'n of Mexican-Am. Educators v. Cal.*, 231 F.3d 572, 592-93 (9th Cir. 2000). The
11 court also has broad discretion in dealing with motions for attorney's fees and costs.
12 *Waits v. Frito-Lay, Inc.*, 978 F.2d 1093, 1112 (9th Cir. 1992). Exercising its discretion,
13 the court declines to revisit its prior rulings and, therefore, DENIES the motions to retax
14 costs (Dkt. ## 331, 334).

15 Dated this 21st day of January, 2011.

16
17 

18 JAMES L. ROBART
19 United States District Judge
20
21
22