

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JOHNATHAN A. AZAR,
Plaintiff,

v.

CITY OF CHAMBLEE, GA,
Defendant.

Civil Action No.
1:21-cv-04655-SDG

OPINION & ORDER

This matter is before the Court, on Defendant City of Chamblee, GA's Corrected Bill of Costs [ECF 111]. The Bill of Costs is **APPROVED**.

On March 31, 2023, the Court entered an order adopting in its entirety United States Magistrate Judge Regina D. Cannon's Report and Recommendation (R&R) that Chamblee's Motion for Summary Judgment be granted. Following summary judgment, Chamblee, as the prevailing party, filed a corrected Bill of Costs (superseding previous versions) on May 5, 2023.¹ Chamblee requests \$4,097.09, comprised of \$3,965.35 in costs for deposition transcripts and recordings and \$131.74 in copying costs.²

¹ ECF 111.

² *Id.*

As the prevailing party, Chamblee is entitled to litigation costs, other than attorneys' fees, pursuant to Federal Rule of Civil Procedure 54(d)(1). The Court has "discretion to decide otherwise." *Chapman v. AI Transp.*, 229 F.3d 1012, 1038 (11th Cir. 2000) (*en banc*), but this discretion is not unfettered. *Id.* at 1039. Denying an award of costs to the prevailing party is considered a penalty, and the Court must "have and state a sound basis for doing so." *Id.*

The Court has no basis to deny Chamblee costs; the Court has reviewed the corrected Bill of Costs and finds the requested costs reasonable. *See* 28 U.S.C.A. § 1920(2)-(4). The corrected Bill of Costs [ECF 111] is **APPROVED**.

The Clerk is **DIRECTED** to tax costs against Azar in the amount of \$4,097.09.

SO ORDERED this 21st day of July, 2023.



Steven D. Grimberg
United States District Court Judge