

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BETSY BENEDITH,

Plaintiff,

-against-

MALVERNE UNION FREE SCHOOL DISTRICT,
JAMES BROWN, and JAMES HUNDERFUND,

Defendants.

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AZRACK, United States District Judge:

For Online Publication Only

ORDER

11-CV-5964 (JMA) (AYS)

**FILED
CLERK**

8/18/2017 4:13 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

By letter dated June 13, 2017, defendants requested that plaintiff be placed on a payment schedule to sync her payments with those of her former co-plaintiffs, all of them being jointly and severally liable for certain costs. By letter dated June 14, 2017, plaintiff indicated her intent to object not only to placement on a payment schedule, but also to the substantive costs taxed against her on June 5, 2017. By letter dated June 19, 2017, plaintiff indicated her intent to submit her objections by July 3, 2017. To date, no further submissions relating to the payment schedule or costs taxed have been filed.

First, the Court informs the parties that the costs taxed on June 5, 2017 were taxed by order of the Court. That entry reflects the decision of the Court after careful consideration of plaintiff's objections.

Second, no specific objection having been filed, the Court adopts the payment schedule proposed by defendants and amends the order taxing costs against plaintiff to read:

Costs Taxed in amount of \$7,713.86 against Plaintiff, in favor of Defendants, and included in the Judgment. Plaintiff, together with Sherwyn Besson and Kenneth Smith, is jointly and severally liable for costs associated with the depositions of Betsy Benedith, Sherwyn Besson, and Kenneth Smith, totaling \$6,495.80. Plaintiff is independently liable for costs associated with the deposition of Karen Orchowski, the classroom enlargement, and docketing fees, totaling \$1,128.06. Cost of copies disallowed because counsel has not shown that originals were not available, as required by Local Rule 54.1(c)(5). Cost of depositions admitted in evidence disallowed because the record does not reflect any depositions that were admitted into evidence. 28 U.S.C. § 1923(a). Additionally, the Court establishes the following payment schedule: Plaintiff is directed to pay half of the total owed by September 5, 2017. Plaintiff is further directed to pay the second half of the total owed by December 5, 2017.

The Clerk is respectfully directed to enter judgment consistent with this order.

Furthermore, the Clerk is respectfully directed to terminate defendants' motion at [94], having been rendered moot by later proceedings in this case.

SO ORDERED.

Date: August 18, 2017
Central Islip, New York

/s/ (JMA)
Joan M. Azrack
United States District Judge