

The document below is hereby signed.

Signed: April 23, 2018



S. Martin Teel, Jr.

S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
CARLOS ROBERTO ALLEN,)	Case No. 16-00023
)	(Chapter 7)
Debtor.)	
_____)	
)	
DOUGLASS SLOAN,)	
)	
Plaintiff,)	
)	
v.)	Adversary Proceeding No.
)	16-10027
CARLOS ROBERTO ALLEN,)	
)	Not for publication in
)	West's Bankruptcy Reporter.
Defendant.)	

MEMORANDUM DECISION AND ORDER RE BILL OF COSTS

The bill of costs for \$1,802.80 includes multiple items that are not taxable as costs. First, plaintiff lists \$150 for service of the summons and complaint, but 28 U.S.C. § 1920 does not allow taxation of such a cost unless it is a charge by the U.S. Marshal for having served the summons and complaint. See *Zdunek v. Wash. Metro. Area Transit Auth.*, 100 F.R.D. 689, 692

(D.D.C. 1983) Here, the plaintiff's attorney served the summons and complaint.¹

Second, \$176 is listed on the itemization attached to the bill of costs as the fee paid to the clerk for filing a motion for relief from the automatic stay. Because that was a fee incurred in the main bankruptcy case, not within this adversary proceeding, it is not taxable as a cost within this adversary proceeding.

Third, the itemization attached to the bill of costs includes \$49.62 as a postage expense incurred in mailing documents to parties. However, 28 U.S.C. § 1920 does not list postage expenses as a taxable cost and the plaintiff must therefore bear the burden of such expenses. See *Zdunek*, 100 F.R.D. at 692. Therefore, of the \$1,802.80 listed on the plaintiff's bill of costs, \$375.62 comprises of nontaxable costs.

Accordingly, it is

ORDERED that costs of \$1,427.18 are taxed and included in the judgment in this adversary proceeding, and the additional costs sought are not allowed as taxable costs. It is further

¹ An itemization attached to the bill of costs shows a \$75 fee for service of the summons and complaint and a \$75 fee for service of a deposition notice. Like the cost incurred in serving the summons and complaint, the fee for service of a deposition notice would not be considered a taxable cost as it was not listed as a fee charged by the U.S. Marshal.

ORDERED that this court having abstained from hearing the plaintiff's monetary claims against the defendant, this order is without prejudice to the plaintiff's seeking nontaxable costs not allowed by this order when the plaintiff pursues his monetary claims against the defendant in an action in a court of competent jurisdiction, but the court does not opine on whether such nontaxable costs will be recoverable in such an action.

[Signed and dated above.]

Copies to: All counsel of record.