

Sixth Circuit Breaks New Ground In Cost-Shifting

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Circuit courts do not frequently address issues of costs at the district court level. However, in [*Freeman v. Blue Ridge Paper Products, Inc.*](#), a divided panel of the Sixth Circuit became the first circuit authority in the country to find that renting a conference room to conduct depositions qualifies as a taxable cost. The case involved the cost of a hotel conference room that saved the witnesses 50 miles of travel each way to counsel's office. The Court reasoned that, because the cost of renting the conference room replaced the witness's otherwise taxable travel costs, it too was taxable to the extent it mitigated those costs.

In a short dissent, Judge Sutton disagreed on this point, maintaining that conference room rentals are not enumerated in Congress's statutory regime and noting the expansive potential of the Court's rationale. Giving a couple colorful examples, Judge Sutton suggested that the Court's rationale also applies to the purchase of Rosetta Stone software so as to save on interpreter fees and the cost of buying the latest gadget that could potentially reduce copying and transcript expenses.

The Court did not publish its decision, so the full impact of it remains to be seen. But it may certainly encourage parties to become creative with their costs arguments at the district court level.

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