

The Supreme Court - May 27, 2021

Today, the Supreme Court of the United States issued the following decision:

San Antonio v. Hotels.com, L.P., No. 20-334: Although the general rule in litigation is that each side bears its own attorney's fees, certain costs other than attorney's fees are recoverable to the prevailing party on appeal under Federal Rule of Appellate Procedure 39. Listed in Rule 39(e) are certain "costs on appeal" that "are taxable in the district court for the benefit of the party entitled to costs," including "premiums paid for a bond or other security to preserve rights pending appeal." Fed. R. App. P. 39(e)(3). Here, the city of San Antonio prevailed at trial in a class action brought against a number of online travel companies ("OTCs"), including the respondent. The OTCs secured a supersedeas bond to cover the \$55 million judgment, plus interest and taxes, in order to obtain a stay pending appeal. After judgment was rendered for the OTCs on appeal, the OTCs filed a bill of costs in District Court for over \$2 million related to the OTCs' bond premiums. San Antonio objected, but the District Court held it lacked discretion to reduce the amount. The Fifth Circuit affirmed. Today, the Court likewise affirmed, holding that Federal Rule of Appellate Procedure 39 does not permit a district court alter a court of appeals' allocation of the costs listed in subdivision (e) of that Rule.

View the Court's [decision](#).

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