

DISTRICT COURT, LARIMER COUNTY, COLORADO Larimer County Justice Center 201 La Porte Avenue Suite 100 Fort Collins, CO 80521 970-494-3500	DATE FILED: October 27, 2017 4:18 PM FILING ID: 8B0A72FECACFC CASE NUMBER: 2016CV31096
<p>Plaintiff: CITY OF FORT COLLINS, a Colorado municipal corporation; and Poudre Fire Authority, a Colorado public entity,</p> <p>v.</p> <p>Defendants: KEITH GILMARTIN, an individual.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Attorney for Plaintiff: Kelley B. Duke, #35168 Benjamin J. Larson, #42540 IRELAND STAPLETON PRYOR & PASCOE, PC 717 17th St. Suite 2800 Denver, Colorado 80202 Telephone: (303) 623-2700 Fax No.: (303) 623-2062 E-mail: kduke@irelandstapleton.com blarson@irelandstapleton.com SPECIAL COUNSEL FOR THE CITY OF FORT COLLINS; ATTORNEYS FOR Poudre Fire Authority</p>	<p>Case No.: 2016CV31096</p> <p>Div.: 3C</p>
PLAINTIFFS' BILL OF COSTS	

Plaintiffs the City of Fort Collins, a Colorado municipal corporation (the "City"), and the Poudre Fire Authority, a Colorado public entity (the "Authority", collectively, "Plaintiffs") by and through their undersigned counsel, IRELAND STAPLETON PRYOR & PASCOE, PC, and pursuant to the Court's Final Order dated October 6, 2017, C.R.C.P. 54(d), and C.R.C.P. 121 § 1-22, respectfully submits their Bill of Costs as follows:

INTRODUCTION

Trial in this matter came before the Court on August 14-15, 2017. As a result of the trial, a Final Order was issued on October 6, 2017, in which the Court entered judgment in favor of Plaintiffs and against Keith Gilmartin, and ordering Plaintiffs to file this Bill of Costs. Accordingly, pursuant to C.R.C.P. 54(d) and C.R.C.P. 121 § 1-22, Plaintiffs request that the Court award the following costs by the documentation submitted herewith.

ITEMIZATION OF COSTS

I. DOCKET FEES.

Docket fees are recoverable pursuant to C.R.S. § 13-16-122(1)(a). Supporting documentation for these costs is included in the Summary Report of Expenses in the attached **Exhibit A**.

Date	Description	Cost
09/06/2016	ICCES – September 2016 Case History Purchase	\$10.00
09/06/2016	ICCES – September 2016 Case History Purchase	\$10.00
11/30/2016	ICCES – Filing fees for November	\$12.00
12/29/2016	ICCES – Filing fees for December	\$6.00
01/03/2017	ICCES – Filing fees for January	\$6.00
02/14/2017	ICCES – Filing fees for February	\$12.00
03/30/2017	ICCES – Filing fees for March	\$30.00
05/16/2017	ICCES – Filing fees for May	\$24.00
06/21/2017	ICCES – June 2017 Case History Purchase	\$10.00
06/28/2017	ICCES – Filing fees for June	\$60.00
07/19/2017	ICCES – Filing Fees for July	\$24.00
08/10/2017	ICCES – Filing Fees for August	\$36.00
09/27/2017	ICCES – Filing Fees for September	\$12.00
	TOTAL:	\$252.00

II. COPY EXPENSES.

Copy expenses are recoverable pursuant to C.R.S. § 13-16-122(1)(f), which specifically provides for an award of costs for copies of documents and papers necessary for use in the case. *See also McCormick v. Bradley*, 870 P.2d 599, 607 (Colo. App. 1993) and *Harvey v. Farmers*

Ins. Exchange, 983 P.2d 34 (Colo. App. 1998) (awarding costs for photocopying). The following charges include printing charges for trial exhibits. Supporting documentation is included in the attached **Exhibit B**.

Date	Description	Cost
08/18/2017	Litigation Solutions Inc – Mounting Services: 3 Exhibit Boards	\$251.90
	TOTAL:	\$ 251.90

III. DEPOSITION COSTS.

Costs for depositions are recoverable. See C.R.C.P. 54(d); C.R.C.P. 121(c) § 1-22; C.R.S. §13-16-122(d); *Cherry Creek School Dist. #5 v. Voelker*, 859 P.2d 805 (Colo. 1995); and *Harvey v. Farmers Ins. Exchange*, 984 P.2d 34 (Colo. App. 1998) (awarding deposition costs). Supporting documentation for deposition costs is attached hereto as **Exhibit C**.

Date	Description	Cost
07/07/2017	Court Reporter Appearance Fee, Original Certified Transcript, Electronic Transcript Files, Scanned Exhibits and Word Index for Deposition of Keith Gilmartin	\$864.80
	TOTAL:	\$864.80

IV. TRAVEL EXPENSES.

Travel expense costs are recoverable. See C.R.S. § 13-16-122(g); *Cherry Creek School Dist. #5 v. Voelker*, 859 P.2d 805 (Colo. 1995); *Harvey v. Farmers Ins. Exchange*, 983 P.2d 34 (Colo. App. 1998) (awarding costs for mileage, parking, and airfare); *Madison Capital Co. v. Star Acquisition VIII*, 214 P.3d 557, 561 (Colo. App. 2009) (awarding travel related costs, including meals). Travel costs include mileage, hotel, meals, and parking for counsel to travel from Denver to Fort Collins to participate in the trial. Supporting documentation for these costs is attached in **Exhibit D**.

Date	Description	Cost
03/02/2017	Kelley Duke - Roundtrip mileage to Larimer County Justice Center for Status Conference	\$72.76
04/17/2017	Kelley Duke - Roundtrip mileage to Poudre Fire Authority	\$69.55
06/06/2017	Corner Bakery – Working Lunch	9.71
6/08/2017	Kelley Duke - Mileage to and from Larimer County Justice Center for hearing regarding Temporary Restraining Order	\$72.76
06/27/2017	Kelley Duke - Roundtrip mileage and parking for Gilmartin deposition in Fort Collins, CO	\$77.23
08/10/2017	Kelley Duke - Mileage to and from Larimer County Justice Center	\$72.76
08/10/2017	Kelley Duke – lunch for counsel and client	\$23.67
08/13/2017	Kelley Duke - Mileage to Larimer County Justice Center	\$36.38
08/14/2017	Benjamin Larson -Parking for trial in Fort Collins, CO	\$9.00
08/14/2017	Kelley Duke – lunch for counsel and clients during trial	\$86.96
08/15/2017	Kelley Duke – Mileage from Larimer County Justice Center	\$36.38
08/15/2017	Kelley Duke – Parking for trial in Fort Collins, CO	\$4.00
08/15/2017	Benjamin Larson – Parking for trial in Fort Collins, CO	\$4.00
08/15/2017	Kelley Duke - Lodging/Meals for K. Duke and B. Larson during trial in Fort Collins, CO	\$870.56
	TOTAL:	\$1445.72

V. MISCELLANEOUS EXPENSES.

Miscellaneous costs are recoverable so long as the costs are incurred solely for the benefit of the litigation and are not commingled with any general costs of doing business or costs of other litigation and they cannot properly be termed overhead. *Harvey v. Farmers Ins. Exchange,*

983 P.2d 34 (Colo. App. 1998); *Am. Water Development v. City of Alamosa*, 874 P.2d 352, 390 (Colo. 1994) (citing *Cherry Creek School District No. 5 v. Voelker*, 859 P.2d 805, 813 (Colo. 1993)). Miscellaneous expenses include the software set-up fee for this case for docketing and calendaring, document processing and hosting fees, and title searches. Supporting documentation for these miscellaneous fees is included in the attached **Exhibit E** and in the Summary Report of Expenses at **Exhibit A**.

Date	Description	Cost
07/29/2016	Heritage Title Company – O&E Report – 3316 W. Vine Dr., Fort Collins	\$5.00
11/29/2016	Law Toolbox.com, Inc.- docketing and calendaring fees	\$69.00
06/30/2017	Litigation Solutions Inc. - June 2017 data hosting, data preparation and processing, project management tech. time, production	\$255.24
07/31/2017	Litigation Solutions Inc. - July 2017 data hosting	\$85.70
08/31/2017	Litigation Solutions Inc. - August 2017 data hosting	\$106.74
	TOTAL:	\$521.68

The Affidavit of Benjamin J. Larson affirming the costs were incurred and paid as itemized above in Sections I-V is attached hereto as **Exhibit F**.

CONCLUSION

WHEREFORE, Plaintiffs respectfully request that the Court enter an Order:

1. Awarding Plaintiffs their costs in the amount of **\$3,336.10**;
2. Permitting Plaintiffs to supplement this Bill of Costs with any additional costs Plaintiffs incurred or will incur in connection with this matter; and
3. Awarding post-judgment interest at 8% per annum compounded annually from the date judgment is entered on costs.

A proposed order is filed herewith for the Court's convenience.

Respectfully submitted this 27th day of October, 2017.

IRELAND STAPLETON PRYOR & PASCOE, PC

Signed original on file at the office of
Ireland Stapleton Pryor & Pascoe, PC

/s/ Benjamin J. Larson

Kelley B. Duke, #35168

Benjamin J. Larson, #42540

*Special Counsel for City of Fort Collins and
Attorneys for Poudre Fire Authority*

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of October, 2017, a true and correct copy of the foregoing **PLAINTIFFS' BILL OF COSTS** was served via U.S. Postal Service, first class mail, postage prepaid and addressed as follows:

Keith J. Gilmartin
3316 West Vine Drive
Ft. Collins, CO 80521

And served via email to:
keithgil2@gmail.com

*SIGNED ORIGINAL ON FILE AT THE OFFICE OF
IRELAND STAPLETON PRYOR & PASCOE, PC*

/s/ Robin McReynolds

Robin McReynolds