

AO 133(Rev. 12/09) Bill of Costs
 USDC Colo. Version – (Rev. (01/01/2020))

BILL OF COSTS	
United States District Court	DISTRICT DISTRICT OF COLORADO
v.	DOCKET NO.
	MAGISTRATE CASE NO.
Judgment having been entered in the above entitled action on	
against	the clerk is requested to tax the following as costs:
BILL OF COSTS	\$0.00
Fees of the clerk	\$
Fees for service of summons and complaint	\$
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	\$1,469.30
Fees and disbursements for printing	\$
Fees for witnesses (itemized on reverse side)	\$
Fees for exemplification and copies of papers necessarily obtained for use in the case	\$
Docket fees under 28 U.S.C. § 1923	\$
Costs incident to taking of depositions	\$
Costs as shown on Mandate of Court of Appeals	\$
Other costs (Please itemize)	\$49.03
Please review and comply with D.C.COLO.LCivR 54.1	\$1,704.88
(See Notice section on reverse side)	
TOTAL	\$
DECLARATION	
I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy hereof was this day mailed with postage fully prepaid thereon to:	
Signature of Attorney _____	Phone Number _____
Print Name _____	_____
For: _____	Date _____
Name of Claiming Party	
Please take notice that I will appear before the Clerk who will tax said costs on the following day and time: [Hearing held Apr. 22, 2020, 9:00 a.m., by teleconference with counsel for both parties.]	Date and Time
	Amount Taxed \$ \$1,704.88
Costs are hereby taxed in the following amount and included in the judgment:	(BY) DEPUTY CLERK s/ Edward Butler
	DATE: April 22, 2020
CLERK OF COURT JEFFREY P. COLWELL	

[Clerk's notes are in red.]

- Regarding 28 U.S.C. § 1920(1) costs - clerk's fees - they are denied, as the costs consist of the court's PACER system for viewing /printing documents from the e-filing system. These costs should not be incurred as each party is allowed "one free look" at documents on the docket and the responsibility to avoid such charges lies with the party. [Continued on next page.]

UNITED STATES DISTRICT COURT

Witness Fees (see 28 U.S.C. § 1821 for statutory fees and www.gsa.gov for locality per diem rates)

NAME , CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
<p>Clerk's notes continued:</p> <ul style="list-style-type: none"> • Regarding fees for the court reporter, 28 U.S.C. § 1920(2). The clerk declines to award the deposition charges for witnesses Perry and Horkey - neither was cited or referenced in the dispositive motion briefing, and appear to be EMT specialists with little to add to the factual groundings of the excessive force claim. Defendant's objection that the depositions of Perry and Horkey were taken by Plaintiff is a seemingly valid one, but if there is no substantive weight to the testimony, the depositions appear unnecessary. Materials produced solely for discovery do not meet the recovery of costs threshold. <u>Furr v. AT&T Technologies, Inc.</u>, 824 F.2d 1537, 1550 (10th Cir. 1987). • Fees and disbursements for printing - the Clerk awards the black & white and color copying charges incurred by Defendant in the months of July and August, 2019. This is an inexact approximation of the copying charges that contributed to Defendant's success with the summary judgment motion and attempts to avoid recovery of costs for client updates, convenience of counsel, non-recoverable pleadings and initial disclosure costs, etc. <u>Furr</u>, 824 F.2d at 1550, 28 U.S.C. § 1920(4). 							
					TOTAL		

NOTICE

Section 1920, Title 28, U.S. Code provides:

A judge or clerk of any court of the United States may tax as costs the following:

- (1) Fees of the clerk and marshal;
- (2) Fees for printed or electronically recorded transcripts necessarily obtained for use in the case;
- (3) Fees and disbursements for printing and witnesses;
- (4) Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case;
- (5) Docket fees under section 1923 of this title;
- (6) Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section 1828 of this title.

- **Finally , the Clerk notes Plaintiff's general objection to an award of costs against an indigent party - that is a discretionary matter for the Court, but generally costs may be awarded without regard to a plaintiff's in forma pauperis status. Olson v. Coleman, 997 F.2d 726, 728 (10th Cir. 1993).**
- **Despite the Final Judgment's lack of specific award of costs, the local rule requires the Clerk to award costs to a prevailing party on the filing of a bill. LCivR 54.1.**

A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.

See also **Sec. 1924, Verification of bill of costs** [and keep in mind the equivalent effect of declarations under 28 U.S.C. § 1746]:

Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.

The **Federal Rules of Civil Procedure** provides as follows regarding costs:

Rule 54(d)(1): "Unless a federal statute, these rules, or a court order provides otherwise, costs - - other than attorney's fees - - should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 days' notice. On motion served within the next 7 days, the court may review the clerk's action."

D.C.COLO.LCivR 54.1 Taxation of Costs:

Each judgment or final order shall indicate any party entitled to costs. Unless otherwise ordered, the clerk shall tax costs in favor of a prevailing party or parties. A bill of costs shall be filed on the form provided by the court within 14 days after entry of the judgment or final order. After filing a bill of costs and prior to appearing before the clerk, counsel and any unrepresented party seeking costs shall file a written statement that they have conferred as to disputes regarding costs. If all disputes are resolved, a stipulation specifying costs shall be filed with the court.

EXHIBIT A

Other Costs incurred in Litigation:

DATE	AMOUNT	DESCRIPTION
Various	12.90	Scanning imaging per rules to scan and file documents
10/15/19	17.50	Courier delivery to US District Court
10/15/19	17.50	Courier delivery to Faegre Baker Daniels
04/04/19	15.00	CDOC complete file – Anderson
07/30/19	7.50	Victory Courier, Inc. (TO USDC)
07/30/19	7.50	Victory Courier, Inc. (FROM USDC)
3/08/19	26.53	ChartSwap Invoice for Medical Records of Chayce Anderson for Emergency Physicians of the Rockies
TOTAL	\$104.43	\$49.03

Clerk's notes on Other Costs:

- Scanning imaging not awarded, as the Clerk's copying charges award under 28 U.S.C. § 1920(4) consisted of copying (b&w and color), including scanning, for July and August 2019.
- The only courier delivery charge awarded was for the 7/30/19 cost for delivering conventionally submitted material to the court (Docket No. 131), as required by the court's ECF Procedures; the Clerk sees no other delivery to the court on the docket, and deliveries to opposing counsel not awarded.
- Colo. Dept. of Corrections charge for defendant's file is awarded as a reasonable and expected copying charge, necessarily obtained for use in the case - CDOC records are listed on the Final Pretrial Order Joint Exhibit List.
- ChartSwap Invoice for Medical Records awarded, medical records from underlying incident attached to summary judgment motion and frequently referenced.

Cost/Expense Detail

Date	Code	Check #	Type	Units	Amount	Description	Date Billed	Amount Billed
004 - Copying Charges								
6139 CITY OF FORT COLLINS								
77 Chayce Aaron Anderson v. Jason Shutters								
11/20/17	004		Cost	12	2.40	Copying Charges	12/8/17	2.40
12/29/17	004		Cost	9	1.80	Copying Charges	2/2/18	1.80
3/12/18	004		Cost	10	2.00	Copying Charges	4/25/18	2.00
4/2/18	004		Cost	23	4.60	Copying Charges	4/25/18	4.60
4/19/18	004		Cost	10	2.00	Copying Charges	5/23/18	2.00
5/2/18	004		Cost	11	2.20	Copying Charges	5/23/18	2.20
2/12/19	004		Cost	1	0.20	Copying Charges	2/22/19	0.20
2/20/19	004		Cost	3	0.60	Copying Charges	3/19/19	0.60
6/19/19	004		Cost	76	15.20	Copying Charges	7/23/19	15.20
6/25/19	004		Cost	87	17.40	Copying Charges	7/23/19	17.40
7/2/19	004		Cost	57	11.40	Copying Charges	8/22/19	11.40
7/8/19	004		Cost	125	25.00	Copying Charges	8/22/19	25.00
* 7/29/19	004		Cost	14	2.80	Copying Charges	8/22/19	2.80
8/6/19	004		Cost	3	0.60	Copying Charges	9/6/19	0.60
8/7/19	004		Cost	58	11.60	Copying Charges	9/6/19	11.60
9/6/19	004		Cost	4	0.80	Copying Charges	11/12/19	0.80
10/2/19	004		Cost	2	0.40	Copying Charges	11/12/19	0.40
10/4/19	004		Cost	29	5.80	Copying Charges	11/12/19	5.80
			Matter Total	534	106.80			106.80
			Client Total	534	106.80			106.80
Total for 004 - Copying Charges								
			Total	534	106.80			106.80
007 - Color Copy Reproduction								
6139 CITY OF FORT COLLINS								
77 Chayce Aaron Anderson v. Jason Shutters								
6/19/19	007		Cost	119	101.15	Color Copy Reproduction	7/23/19	101.15
6/20/19	007		Cost	94	79.90	Color Copy Reproduction	7/23/19	79.90
6/25/19	007		Cost	29	24.65	Color Copy Reproduction	7/23/19	24.65
7/2/19	007		Cost	67	56.95	Color Copy Reproduction	8/22/19	56.95
7/3/19	007		Cost	68	57.80	Color Copy Reproduction	8/22/19	57.80
7/29/19	007		Cost	24	20.40	Color Copy Reproduction	8/22/19	20.40
9/3/19	007		Cost	8	6.80	Color Copy Reproduction	11/12/19	6.80
9/11/19	007		Cost	1	0.85	Color Copy Reproduction	11/12/19	0.85
10/2/19	007		Cost	2	1.70	Color Copy Reproduction	11/12/19	1.70
10/4/19	007		Cost	10	8.50	Color Copy Reproduction	11/12/19	8.50
			Matter Total	422	358.70			358.70
			Client Total	422	358.70			358.70
Total for 007 - Color Copy Reproduction								
			Total	422	358.70			358.70
024 - Court Filing Fee								
6139 CITY OF FORT COLLINS								

\$51.40

\$135.15

* The summary judgment motion was filed on July 5, 2019, and corresponding briefing in July and August, 2019.