

**UNITED STATES DISTRICT COURT – DISTRICT OF COLORADO**  
**Procedure for Taxation of Costs**

A bill of costs shall be submitted on the District of Colorado's local version of Form AO133, a copy of which is attached, and filed by electronic means unless the filing party is otherwise authorized to file in paper [D.C.COLO.LCivR 5.1]. Parties permitted to file in paper shall do so in the Clerk's Office at the Alfred A. Arraj U.S. Courthouse located at 901 19th Street, Denver, CO 80294-3589.

A bill of costs must be filed with the court within 14 days after entry of judgment or final order. The prevailing party seeking costs will be required to confirm that the parties have conferred or will otherwise be unable to file its proposed bill of costs. If both parties agree to costs, the prevailing party will indicate stipulation when filing its proposed bill of costs. If a dispute remains as to any portion of the costs sought, the prevailing party will indicate which specific costs lack stipulation and the opposing party may file a response that sets forth its position on those disputed costs. Following review of all documentation, costs will be taxed by the Clerk's designated deputy.

**The Process**



**(1) Judgment**

Once a final judgment has been entered in the case, the prevailing party may pursue taxation of costs. A Bill of Costs must be filed within 14 days after judgment is entered or it will be denied.

**(2) Parties confer**

D.C.COLO.LCivR 54.1 requires that parties confer as to taxation of cost. This means that parties must make a reasonable effort to agree upon appropriate costs. The prevailing party will be required to confirm conferral before it is able to file its **Proposed Bill of Costs**. A statement of conferral will then automatically appear as part of the docket text entry, thus satisfying the requirement set forth in D.C.COLO.LCivR 54.1. Should any costs remain under dispute following conferral, and the parties wish to have a hearing to discuss these disputed costs, availability dates should be discussed so that the prevailing party can provide these dates to the court within the local AO133 form. These dates must occur at least 28 days from the filing of the Proposed Bill of Costs.

**(3) Bill of Cost filed**

The prevailing party should file the AO133 Bill of Cost electronically in CM/ECF using event **Proposed Bill of Costs**. During the docketing sequence, the prevailing party will be prompted to designate whether the Bill of Costs is stipulated to in its entirety or partially/not stipulated. Substantiating documentation, such as invoices and receipts, should be included. If the filing party is authorized to file in paper, do so at the Clerk's Office. If the proposed Bill of Costs is not submitted completely with appropriate supporting documentation, the deputy clerk will issue a **Rejection of Proposed Bill of Cost** and no further action will be taken.

Should the parties not reach an agreement on all costs, and the prevailing party properly designates its Proposed Bill of Costs as non-stipulated, the docketing sequence will prompt the prevailing party to specifically identify which costs remain under dispute. An NEF will issue prompting the non-prevailing party to file its **Objection to Proposed Bill of Costs** within 14 days. In its Objection, the non-prevailing party should indicate why it does not stipulate to the disputed costs. The prevailing party may elect to file a **Reply to Objection to Proposed Bill of Costs**, which is also due within 14 days of the filing of the Objection.

If parties wish to have a hearing addressing the costs that remain in dispute, the prevailing party's Proposed Bill of Costs should include the dates upon which parties are available - at least 28 days in the future - as discussed during conferral. Additionally, the non-prevailing party should file its **Request for Hearing on Proposed Bill of Costs**. This request should explain why the parties need to appear before the hearing officer to further support their pleadings that addressed disputed costs. The deputy clerk will eventually issue a **Clerk's Response to Request for Hearing**, which parties will receive as an NEF, either granting or denying the request for a hearing.

**(4) Costs taxed**

Regardless of whether parties stipulate to all costs, the designated deputy clerk will review all materials submitted by the parties. The deputy clerk will determine whether taxation of costs can be assessed based on the information submitted. If it can, the deputy clerk will issue **Costs Taxed** without further action. If clarification or additional supporting documentation is needed, a **Notice** will issue prompting that the Proposed Bill of Cost be amended. If a hearing is determined necessary, either as requested by a party or at the clerk's discretion, the deputy clerk will schedule a hearing accordingly. Costs taxed by the deputy clerk may be further reviewed by the district judge at either party's request by filing a **Motion for Review of Costs Taxed**.

**BILL OF COSTS**

<b>United States District Court</b>	<b>DISTRICT OF COLORADO</b>
	DOCKET NO.
v.	CASE NO.

**Judgment having been entered in the above-titled action on (date)**

**against (party), the Clerk is requested to fax the following as Costs:**

<i>Is this cost disputed?</i>		
	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	\$
	Fees and disbursements for printing	\$
	Fees for witnesses (itemized on next page)	\$
	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 reflected on mandate of Court of Appeals	\$
	Other costs (itemized)	\$
	<b>TOTAL</b>	<b>\$</b>

*Please review and comply with D.C.COLO.LCivR 54.1 as indicated in Notice on following page.*

**DECLARATION**

I do hereby 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 has been served on non-prevailing parties in the following manner:

Signature of Attorney for Prevailing Party

Name of Claiming Party

Name of Attorney

Date

<p style="text-align: center;"><b>PARTY'S REQUEST FOR HEARING</b></p> <p>Following conferral on (date), several costs remain in dispute. The parties therefore request that a hearing be scheduled to address these costs. The following dates, occurring at least <b>28</b> days from today, are mutually agreeable to both parties.</p> <p style="text-align: center;"><i>Available hearing days are <b>Tuesdays, Wednesdays, and Fridays</b> between the hours of <b>8:30 – 9:30 am</b>.</i></p> <p>Option #1</p> <p>Option #2</p> <p>Option #3</p>	<p style="text-align: center;"><i>--- For Clerk's Office use only ---</i></p> <p>Costs are hereby taxed in the following amount and are to be considered part of the judgment.</p> <p style="text-align: center;"><b>Costs taxed: \$ _____</b></p> <p>By: Deputy Clerk on behalf of Jeffrey P. Colwell, Clerk of Court</p> <p>Date:</p>
--	---

UNITED STATES DISTRICT COURT

<b>Witness Fees</b>							
<i>See 28 U.S.C. § 1821 for statutory fees and www.gsa.gov for locality per diem rates.</i>							
NAME , CITY, STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total cost for each witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
						<b>TOTAL</b>	\$0.00

**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 costs of making copies of 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.

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.

