

**United States District Court
District of Colorado
Procedures for Taxation of Costs
Pursuant to 28 U.S.C. § 1920**

A bill of costs shall be submitted on the District of Colorado's local version of Form AO133, a copy of which is attached to this handout. The completed form **shall be filed by electronic means** pursuant to D.C.COLO.LCivR 5.1 – Formatting, Filing And Serving Pleadings And Documents, *unless the filing party is authorized or directed to file in paper format*; if so, an original of the completed form shall be filed with the Clerk's office at Room A-105, Alfred A. Arraj U.S. Courthouse, 901 19th Street, Denver, Colorado 80294-3589. Please submit your bill according to the procedures laid out in the court's Case Management/Electronic Filing Procedures (Civil), available at <http://www.cod.uscourts.gov/CourtOperations/CMECF.aspx>. Specifically, Section 5.15 of the CM/ECF procedures provides: "The proposed bills of costs shall be filed electronically in CM/ECF using the docket event "**Proposed Bill of Costs**."

Pursuant to D.C.COLO.LCivR 54.1, a bill of costs must be filed with the court within fourteen days after entry of the judgment or final order. Costs will be taxed by the clerk or a designated deputy. Prior to appearance before the clerk, counsel for the party seeking costs shall file a written statement that a reasonable effort has been made, in a conference with opposing counsel or an unrepresented party, to resolve disputes regarding costs. Please indicate on the statement if there is a partial agreement or lack of objection as to certain costs claimed, and please indicate what those costs are. If costs are resolved, a stipulation setting forth the amount of costs shall be filed with the court. If a stipulation is filed, please contact the Clerk's Office at the number below in order to vacate the taxation of costs hearing.

When filing a bill of costs, be sure to insert in the appropriate box in the lower right hand portion of the form the date and time for your hearing. You may select any Tuesday, Wednesday, or Thursday at **8:30, 9:00 or 9:30** a.m. You are to confer with the opposing counsel/party regarding a mutually agreeable date and time. Hearings will be held in the Clerk's Office. **NOTE – THE CLERK'S OFFICE LACKS THE RESOURCES TO CONFIRM BY PHONE THE DATE AND TIME OF YOUR HEARING. YOU WILL ONLY HEAR FROM THE CLERK IF THERE IS A SCHEDULING CONFLICT WITH THE DATE YOU PICKED.**

General Information

For more information on taxation of costs see 28 U.S.C. §§ 1918, 1919, 1920, 1923 and 1924; Fed. R. Civ. P. 54(d)(1); and local rule D.C.COLO.LCivR 54.1. See *also* 28 U.S.C. § 1821 regarding per diem, mileage, and subsistence rates generally.

Motions for attorneys' fees and expenses are to be filed separately for determination by the assigned judge.

Witness fees are **\$40.00** a day and **\$.56** per mile round trip. Subsistence in Denver is **\$229.00** if an overnight stay is required and **\$66.00** for the final day of travel, effective Oct. 1, 2014. See <http://www.gsa.gov/portal/category/100120> (per diem), and http://www.gsa.gov/portal/content/100715?utm_source=OGP&utm_medium=print-radio&utm_term=HP_01_Requested_povmileage&utm_campaign=shortcuts (mileage).

Substantiating documentation, i.e., court reporter invoices, in-house and/or vendor copying charges, process server invoices, etc., **must** be submitted in support of costs.

If you wish to appear telephonically, please note that fact on the bill of costs form or in a cover letter, with the telephone numbers at which the parties are to be reached. The clerk conducting the hearing will initiate the call.

***** NOTE: IT IS YOUR RESPONSIBILITY TO SET THE TIME (ANY TUESDAY, WEDNESDAY, OR THURSDAY AT 8:30, 9:00 OR 9:30 A.M.) FOR APPEARANCE BEFORE THE CLERK FOR TAXATION.**

AO 133(Rev. 12/09) Bill of Costs

USDC Colo. Version – (Further Rev. (12/01/2013))

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	
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 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)	\$
Please review and comply with D.C.COLO.LCivR .54.1	
(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 _____	_____
Print Name _____	Phone Number _____
For: _____	Date _____
<small>Name of Claiming Party</small>	
Please take notice that I will appear before the Clerk who will tax said costs on the following day and time: Costs are hereby taxed in the following amount and included in the judgment:	Date and Time
	Amount Taxed \$
	(BY) DEPUTY CLERK
	DATE:
CLERK OF COURT JEFFREY P. COLWELL	

UNITED STATES DISTRICT COURT

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)

NAME , CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
					TOTAL		

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924, Verification of bill of costs."

"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."

See also Section 1920 of title 28 which reads in part as follows:

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

The Federal Rules of Civil Procedure contain the following provisions:

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 (HERE) 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."