

**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 4.15 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 **MUST** 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 in order to vacate the taxation of costs hearing. **NOTE: failure to file the statement of conferral will result in summary dismissal of the bill of costs.**

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 by the Clerk in an assigned courtroom. **YOU MUST REVIEW THE HEARING OFFICER'S GUIDE TO BILLS OF COSTS BEFORE SUBMITTING A BILL OF COSTS, AND EACH PARTY MUST REVIEW IT BEFORE THE BILL OF COSTS HEARING BEFORE THE CLERK.** **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.** Per federal rule 54(d)(1); you must provide the clerk at least 14 days to hold the hearing.

**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, and policies re: taxi fares, parking fees, etc.

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

Witness fees are **\$40.00** a day and **\$.625** per mile round trip, effective Jan. 1, 2021. Subsistence in Denver is **\$278.00 (seasonal, Oct. 1 - 31, 2022; and April 1 - Sept. 30, 2023)<sup>1</sup>** if an overnight stay is required and **\$79.00** for the final day of travel, effective Oct. 1, 2022. See <http://www.gsa.gov/portal/category/100120> (per diem), and <https://www.gsa.gov/travel/plan-book/transportation-airfare-pov-etc/privately-owned-vehicle-pov-mileage-reimbursement-rates> (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.

**NOTE - EFFECTIVE JULY 1, 2020 ONE ATTORNEY, OR AN UNREPRESENTED PARTY, FOR EACH SIDE MUST APPEAR IN PERSON FOR THE BILL OF COSTS HEARING BEFORE THE CLERK, OR SHOW GOOD CAUSE AS TO WHY A TELEPHONE APPEARANCE IS NECESSARY (i.e., a medical reason).** At the date and time of the hearing, report to the assigned courtroom that you will receive notice about from the clerk prior to the hearing.

<sup>1</sup> Seasonal rate for Denver from Nov. 1 - Dec. 31, 2022 = \$232; and from Jan. 1, 2023 - March 31, 2023 = \$241.00.

**\*\*\* NOTE: IT IS YOUR RESPONSIBILITY TO SET THE TIME IN THE LOWER RIGHT CORNER OF THIS FORM (CHOOSE 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 – (Rev. (10/01/2020))

| <b>BILL OF COSTS</b>                                         |                                                       |
|--------------------------------------------------------------|-------------------------------------------------------|
| <b>United States District Court</b>                          | DISTRICT<br><b>DISTRICT OF COLORADO</b>               |
| v.                                                           | DOCKET NO.                                            |
|                                                              | CASE NO.                                              |
| Judgment having been entered in the above entitled action on |                                                       |
| against                                                      | the clerk is requested to tax the following as costs: |

| <b>BILL OF COSTS</b>                                                                                      |    |
|-----------------------------------------------------------------------------------------------------------|----|
| 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 \_\_\_\_\_  
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:

|                   |
|-------------------|
| Date and Time     |
| Amount Taxed \$   |
| (BY) DEPUTY CLERK |
| DATE:             |

Costs are hereby taxed in the following amount and included in the judgment:

CLERK OF COURT  
JEFFREY P. COLWELL

# 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<br>Each Witness |
|------------------------------------|------------|---------------|-------------|---------------|--------------|---------------|----------------------------|
|                                    | Days       | Total<br>Cost | Days        | Total<br>Cost | Miles        | Total<br>Cost |                            |
|                                    |            |               |             |               |              |               |                            |
|                                    |            |               |             |               | <b>TOTAL</b> |               |                            |

## 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.

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.