

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION at LEXINGTON

CIVIL ACTION (MASTER FILE) NO. 5:06-cv-316 - KSF

IN RE: AIR CRASH AT LEXINGTON, KENTUCKY, AUGUST 27, 2006

RELATING TO:

<i>Anderson</i>	<i>5:07-CV-270</i>	<i>Hunt</i>	<i>5:06-CV-400</i>
<i>Byrd</i>	<i>5:06-CV-371</i>	<i>Lykins</i>	<i>5:07-CV-306</i>
<i>Combs</i>	<i>5:07-CV-312</i>	<i>Mallory</i>	<i>5:07-CV-124</i>
<i>Cone</i>	<i>5:07-CV-015</i>	<i>Theodore</i>	<i>5:07-CV-315</i>
<i>Dawson</i>	<i>5:07-CV-300</i>	<i>Thomason</i>	<i>5:07-CV-324</i>
<i>Fahey</i>	<i>5:07-CV-411</i>	<i>Trimble</i>	<i>5:07-CV-269</i>
<i>First Citizens (N. Kono)</i>	<i>5:07-CV-316</i>	<i>Turner</i>	<i>5:07-CV-326</i>
<i>First Citizens (T. Kono)</i>	<i>5:07-CV-317</i>	<i>Winters</i>	<i>5:07-CV-127</i>
<i>Fortney</i>	<i>5:07-CV-309</i>	<i>Polehinke</i>	<i>5:07-CV-272</i>
<i>Frederick</i>	<i>5:07-CV-319</i>	<i>Heyer</i>	<i>5:07-CV-273</i>
<i>Harris</i>	<i>5:06-CV-292</i>	<i>Clay</i>	<i>5:07-CV-274</i>

**OPINION AND ORDER**

This matter is before the Court on the request of Jeppesen Sanderson, Inc. for taxation of its Bill of Costs in the amount of \$131,327.46. The Estate of Jeffrey Clay, the Estate of Kelly Heyer, and James M. Polehinke ("Crew Plaintiffs") opposed the request. Additionally, the Crew Plaintiffs moved to amend their response to the bill of costs.

The Court has serious questions regarding the necessity of the requested costs, but in the interest of judicial economy, it will defer any determination on costs until the Crew Plaintiffs' Sixth Circuit appeal on the merits is completed. Accordingly, **IT IS ORDERED** that the Crew Plaintiffs' motion to amend their response [DE 3388] is **GRANTED** and Jeppesen's request for costs [DE 3281] is **DENIED WITHOUT PREJUDICE TO RENEW** the request upon conclusion of the pending Sixth Circuit appeal.

This December 1, 2008.



Signed By:

*Karl S. Forester* *KSF*  
United States Senior Judge