

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

-----oo0oo-----

MARK KOLODZIEJ,

NO. CIV. 2:08-cv-2003 FCD DAD

Plaintiff,

v.

ORDER

DS WATERS OF AMERICA INC., a
Georgia corporation dba
Alhambra Water; DOES 1 to 100,
inclusive,

Defendants.

-----oo0oo-----

This matter is before the court on plaintiff Mark
Kolodziej's motion for reimbursement and waiver of court costs
pursuant to the Uniformed Services Employment and Reemployment
Rights Act of 1994 ("USERRA"), 38 U.S.C. § 4323. Defendant DS
Waters of America does not oppose the motion. Pursuant to §
4323(h)(1) of the USERRA, "[n]o fees or court costs may be
charged or taxed against any person claiming rights" under the
statute. 38 U.S.C. § 4323(h)(1) (West 2009); see also 20 C.F.R.
§ 1002.310 ("No fees or court costs may be charged or taxed

1 against an individual if he or she is claiming rights under the
2 Act."). Therefore, in light of plaintiff's claims for relief,
3 defendant's non-opposition to plaintiff's motion, and the
4 relevant statutory and regulatory authority, plaintiff's motion
5 for reimbursement and waiver is GRANTED. Plaintiff shall be
6 reimbursed the \$350 filing fees paid to the court in initiating
7 this action, and all plaintiff's future court fees and costs in
8 this matter are waived.

9 IT IS SO ORDERED.

10 DATED: January 16, 2009

A handwritten signature in black ink, appearing to read "Frank C. Damrell, Jr.", written in a cursive style.

11
12
13 FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE