

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 05-cv-01891-PAB-MEH

KIRK WARREN,

Plaintiff,

v.

LIBERTY MUTUAL FIRE INSURANCE COMPANY,
a Massachusetts insurance company,

Defendant.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on defendant's unopposed motion to modify the previously-entered bill of costs [Docket No. 109]. Although a modification of the bill of costs seems appropriate in light of the remand from the Tenth Circuit, *see Haynes Trane Serv. Agency, Inc. v. Am. Standard, Inc.*, 562 F.3d 1047, 1066 (10th Cir. 2009), defendant fails to substantiate the costs asserted against Kurt Warren or to explain how the division of costs between the two plaintiffs was determined. *See English v. Colo. Dep't of Corr.*, 248 F.3d 1002, 1013 (10th Cir. 2001). Defendant's request seems particularly inappropriate here because the party that is to be liable for a disproportionate amount of the costs, Kurt Warren, is no longer in the case [Docket No. 106]. For the foregoing reasons, it is

ORDERED that defendant's unopposed motion to modify the previously-entered bill of costs [Docket No. 109] is DENIED without prejudice.

DATED May 22, 2009.